

[Mr. Speaker]

[20th July 1953]

“Let me read what they have laid down. It is as follows :

‘Privilege of Parliament is granted in regard of the service of the Commonwealth and is not to be used to the danger of the Commonwealth.’

On another occasion in 1831 the Committee of Privileges of the House of Commons have observed thus :

‘Privilege is not claimable for any indictable offence’.”

“So far I had dealt with the rulings in the House of Commons. Let me now come to our own country. I shall refer to the report of the Committee of Privileges of the Hyderabad Legislative Assembly regarding the case of Shrimati Arutla Kamaladevi. The case rose because of Shrimati Arutla Kamaladevi, M.L.A. complaining on 31st May 1952 to the Hon. Speaker of the Hyderabad Legislative Assembly about the detention of herself along with seven of her comrades in the car for five hours on 27th May 1952 at Kandrapole Police Camp, while the said party was returning from Wadapalli after addressing a public meeting. This was referred to the Committee of Privileges. I shall read the findings of the Committee of Privileges.

‘The House was not in session on 27th May 1952 and Shrimati Arutla Kamaladevi was neither going to the Assembly nor coming from the Assembly. As such this privilege also cannot be claimed by her.’

“I am now going to give my ruling on the privilege motion of Sri K. P. Gopalan. I rule that no *prima facie* has been made out constituting a breach of privilege.

“We shall now pass on to the next item on the Agenda.”

#### IV.—GOVERNMENT BILL.

##### THE ANDHRA STATE BILL, 1953—*cont.*

SRI M. HANUMANTHA RAO :—“On a point of information, Sir. I had given notice of two adjournment motions. It may be taken up now.”

MR. SPEAKER :—“The time is now 10-30 a.m. I know the hon. Member had given notice of two adjournment motions. Not only he. Mr. Krishna Rao also had given notice of an adjournment motion. I shall take all of them tomorrow.”

SRI T. NAGI REDDI :—“Sir, one of the adjournment motions given notice of by Mr. Hanumantha Rao refers to the ‘auctions’. It is a very important matter. The auctions are going to be held to-day and thousands of people would be deprived of their lands thereby. So I submit that the same may be discussed to-day itself, and not tomorrow when the auctions would have come to an end.”

\* THE HON. SRI C. RAJAGOPALACHARI :—“With regard to the plea that had just been raised, let me say a few words. I am not going to enter into the legalities involved in the matter. I am only asking them to consider this. The adjournment motion refers to the ‘auctions’ that are going to take place to-day. Let

20th July 1953] [Sri C. Rajagopalachari]

me tell hon. Members that an auction that is going to be held to-day cannot be or will not be automatically postponed or stopped because an adjournment motion has been brought in here. If the auction is to be stopped or postponed, that has to be done by the Executive. It is a matter for the Government."

MR. SPEAKER:—"Apart from that, let me tell hon. Members that Sri Anantasayanam Ayyangar, Deputy Speaker of the House of the People, told me the other day when he was here that in Parliament they would admit adjournment motions only if they were given half an hour before the commencement of the sitting. Hardly five minutes before the commencement of the House to-day the adjournment motion had come to my hands. That is why I say this. I am not disallowing it. Without waiving its urgency, I shall take it up tomorrow."

SRI C. V. K. RAO:—"It is a pity, Sir, that a point of order does not get a precedence over other things." 10-40 a.m.

MR. SPEAKER:—"So many members rise in their seats; they should wait for the Speaker to call one of them."

SRI N. K. PALANISWAMI:—"It is a warning to all hon. Members that they should not oppose the Hon. the Chief Minister when he attempts . . ."

(Many hon. Members were seen rising in their places.)

MR. SPEAKER:—"The Speaker is on his legs and all hon. Members will please resume their seats. We shall proceed to the next business, the Andhra Bill."

(Sri Pillalamarri Venkateswarlu rose.)

MR. SPEAKER:—"I am not going to allow any point of order. If there is anything of importance, I suggest to the hon. Member to see me in my Chamber."

SRI PILLALAMARRI VENKATESWARLU:—"I wish to bring to the notice of the Speaker an irregularity of procedure and that is why I am raising a point of order. Just now an amendment was distributed to us and I want to point out to you, Sir, that it is out of order."

MR. SPEAKER:—"Could he not have waited for raising that point until that clause was reached? When that particular clause to which the amendment is proposed to be moved comes up for consideration, he could make this observation and bring it to my notice."

SRI PILLALAMARRI VENKATESWARLU:—"I shall presently explain my difficulty, Sir."

MR. SPEAKER:—"He need not do it now; it is enough if he explains it at the time when the clause is taken up and the amendment is proposed."

"We are now in clause 19."



[20th July 1953]

DR. K. B. MENON :—" I am afraid, Sir, the Communist Members have monopolized the Hon. Speaker's attention. I have been standing for half an hour to catch the eye of the Speaker."

MR. SPEAKER :—" But the hon. Member should not be standing when the Chair is on its legs. I am afraid he had no business to be standing like that and that too when I told the House at the time that we would be resuming consideration of the Andhra Bill."

DR. K. B. MENON :—" I wish to bring to your notice, Sir, that aggression seems to win and others seem to be ignored. I wished to raise a point of information. The report on the Ramsay case was circulated in the House and I wanted to know, Sir, whether it was circulated among the Members only for their information or . . ."

MR. SPEAKER :—" If the hon. Member wants any information, he is at perfect liberty to come to my Chamber and I am prepared to give him all the information that he wants."

DR. K. B. MENON :—" But I submit to you, Sir, that this is not a point of order."

MR. SPEAKER :—" It applies to both points of order and information."

\* THE HON. SRI C. RAJAGOPALACHARI :—" Mr. Speaker, Sir, I entirely agree; our experience has been that the phrase 'point of order' has been used by hon. Members in a way it ought not to be done and what happens is that the Chair and the House do not really have any point of order before them. Therefore, hereafter, I would beg of all hon. Members to raise points of order only when there is a real point of order; otherwise it loses its importance and its meaning."

DR. K. B. MENON :—" I am sorry, Sir, that the comment has been made without hearing me."

MR. SPEAKER :—" Sri Kalyanasundaram."

SRI M. KALYANASUNDARAM :—" Mr. Speaker, Sir, I move only amendment No. 65 standing in my name. I am not pressing amendment No. 66. I move :

*'65. This House recommends to the Parliament of India that clauses 19, 20 and 21 of the Andhra State Bill, 1953, be deleted and a simple section substituted which will provide for the abolition of the Legislative Council in both the Madras and Andhra States.'*"

The amendment was duly seconded.

SRI N. K. PALANISWAMI :—" Sir, I move, the following amendment :—

*'67. This Assembly is of the view that there is no need for the Legislative Council to the Residuary State of Madras and resolves that it be abolished.'*"

The amendment was duly seconded.

20th July 1953]

SRI VAVILALA GOPALAKRISHNAIAH :—" Mr. Speaker I move the following amendment :—

' 68. For clauses 19 to 22, substitute the following :—

" There will be no Legislative Council to the Madras, Mysore or Andhra State." "

The amendment was duly seconded.

\* SRI M. KALYANASUNDARAM :—" Mr. Speaker, Sir, the Opposition has, from the very beginning, been saying that it is against the extravagance of an Upper House. The reasons are well-known. The Upper House so far as this State is concerned does not function usefully and that is our experience of its working for the past one year. This House passed several Bills and they have all gone there. I do not deny the fact that there are experienced people and mature statesmen in the Upper House. I do not mean any disrespect to them but what is it that experience has shown? Have they made any useful amendments in respect of any measure that had been passed by this House and have they referred back any measure to this House for re-consideration? No, Sir, and so, why should we be called upon to maintain it? I hear the Chief Minister saying that it is due to the efforts of the Government that any Bill has not been referred back for re-consideration by this House. Then, Sir, it is a negation of the principle of democracy. If that House really wanted, it could have been referred to this House without interference from the Government. My point for abolition of the House, I am glad, is justified by what the Hon. the Chief Minister has stated. Without making any elaborate speech, I move for the consideration of the House the proposition that the Upper House be abolished because it is not necessary. I know, Sir, it is open to us to take up this question in the ordinary course. But here is an opportunity to give expression to our views in the matter because all the resolutions given notice of to this measure are only by way of resolutions to ventilate our views and now that an opportunity has been afforded we stick to the pledge we have given to the people. We say that so far as the residuary State is concerned, the Upper House should be abolished."

\* SRI VAVILALA GOPALAKRISHNAIAH :—" Mr. Speaker, Sir, I have moved an amendment to the effect that— 10-50 a.m.

' There should be no Legislative Council to the Madras, Mysore or Andhra State.'

My point is this. If we go through the Constitution of India we find that no power is given to the Council except to ratify any Bill (except a money Bill) which is passed by the Assembly. It is only creating a wheel within the wheel and a waste of public money. The Prime Minister of India and the Congress from the very beginning have declared that there must be no second or upper Chamber. The Hon. the Chief Minister says that this is a question of politics. Some people may say that there are intellectuals, there are genius people and there are super-human beings and they can be nominated by the Governor to the Council. No doubt, the Constitution provides that the members to be so



[Sri Vavilala Gopalakrishnaiah] [20th July 1953]

nominated shall be persons who have special knowledge or practical experience. But we actually see that nomination is made not with reference to the merit of the person but more with reference to politics. The persons who have been nominated in Madras are out and out politicians and not selected as they are experts having special knowledge or experience in any of the subjects mentioned in the Constitution. Assemblies are the *de facto* Legislatures and not the Councils. The Councils were created in those old days with a view to create obstacles in the progressive legislation of the House. Pandit Nehru, when announcing the formation of the Andhra State, said that there would be no second Chamber in the new Andhra State. We thank him for this wise decision. But we feel sorry to note that Pandit Jawaharlal Nehru out of pressure has allowed the second Chamber in the residuary Madras State. I do not know whether it is to enable the Hon. Sri C. Rajagopalachari to continue in the Cabinet. Otherwise he may not be in the Cabinet of the residuary Madras State. I have the least objection to have the Hon. Sri C. Rajagopalachari or any other as the Chief Minister in the residuary Madras State where I have no concern at all. But when there is no Council for the new Andhra State, I think there need be no Council for the residuary Madras State also. So far as Part B States are concerned, only the Mysore State has got a Council. I do not know why Mysore is given a special facility in this regard. Now my proposal is that when we are amending the Constitution as far as the Madras, Andhra and Mysore States are concerned and when we are bringing in so many amendments, I think this is the proper time to put an end to the necessity for a Legislative Council in the Mysore State also. I hope that the Central Government and the Members of Parliament will take this opportunity to abolish the Legislative Councils in all the States. Now, I want to mention one thing about the Council of States. Pandit Jawaharlal Nehru in his statement in Parliament when there was a conflict between the two Houses of Parliament, that is the House of the People and the Council of States, said 'In British Parliament it was an evolution of Parliamentary procedure that made the House of Commons more powerful and the House of Lords merely a puppet'. Why then it is that in respect of some of the States the Councils are being allowed to continue? The Constitution of India provides for two Houses in the Union Parliament. My submission is that there is no need for a Second Chamber even in the Centre. I therefore wish to make a recommendation through this House to the Government of India that they may abolish the Council of States at the Centre also. We are thankful to Mr. Nehru for having announced that there will be no Council in the new Andhra State. In spite of that announcement some people went to Delhi and tried to bring back the Council. But now the Delimitation Commission has allotted 196 seats to the new Andhra Legislature. The argument of the people who wanted to retain the Council was that the number of seats allotted to the Andhra Legislature was small when compared to the population of two crores of Andhras. Now that the Delimitation Commis-

20th July 1953] [Sri Vavilala Gopalakrishnaiah]

sion has increased the number of seats, I feel that there need be no Legislative Council in the Andhra Legislature. I make an appeal to the Members of this Assembly as well as to the Members of Parliament to put an end to the Councils in all the States. The time has come when there should be no second Chamber. A unicameral Chamber will do to look after all things."

**SRI P. VENKATESHA SHOLAGAR:**—"கனம் சபாநாயகர் அவர்களே, இப்பொழுது லெஜிஸ்லேடிவ் கவுன்ஸில் இருப்பதன் காரணமாக ஜனங்களால் விரும்பப் படாதவர்கள் எல்லாம், ஜனங்களின் நன்மதிப்பைப் பெருதவர்கள் எல்லாம் நேரடியாக மக்கள் மத்தியில் சென்று நாங்கள் உங்களுக்காக இந்தக் காரியத்தைச் செய்கிறோம், இந்த நன்மையைச் செய்கிறோம் என்று வோட்டு வாங்கி வராமலேயே கொல்லப்படும் வழியாக உள்ளே நுழைவதற்கு ஒரு சந்தர்ப்பம் இருக்கிறது. மேலும் இந்த நாட்டில் பல அபிவிருத்திகளைச் செய்ய வேண்டும், மக்களின் நன்மைக்காக இந்தந்த செளகர்யங்களைச் செய்யவேண்டுமென்று கனம் அங்கத்தினர்கள் கோரும் போது பணம் இல்லை, நிதி நிலைமை மோசமாக இருக்கிறதென்று கூறிக் கொண்டிருக்கும்பொழுது, இந்த மேல் சபையை எடுத்து விட்டால் தற்பொழுது ஏராளமாகச் செலவாகிக் கொண்டிருக்கும் பணம் நிறைய மிச்சமாகுமென்று நான் தெரிவிக்க விரும்புகிறேன். மேலும் தற்பொழுது சபையின் விவாதத்தில் இருந்து கொண்டிருக்கும் ஆந்திரா பில்லில் ஆந்திர மாகாணத்திற்கு மேல் சபை இல்லையென்று கண்டிருக்கிறது. அதேமாதிரியாக நம் மாகாணத்திற்கும் மேல்சபை வேண்டியதில்லையென்பது தான் எனது அபிப்பிராயம். மேல்சபை இருப்பதன் காரணமாகத்தான் மக்களின் வோட்டைப்பெறாது, மக்களின் நன்மதிப்பைப்பெறாது, உண்மையில் அவர்களால் வெறுக்கப்படுகிறவர்கள் பதவிக்கு வந்துவிடுவதற்குவழி இருக்கிறது. பதவிக்கு வந்தபின் அவர்களது சட்ட நுணுக்க அறிவைக் காட்டியும், சாணக் கிய முறையைக் கையாண்டும் மக்களின் வோட்டுக்களைப் பெற்று வந்திருக்கிற அங்கத்தினர்களை அலட்சியம் செய்வதொடு மக்களுக்கு உண்மையான நலன்களைச் செய்வதற்கு முட்டுக் கட்டையாக இருக்கிறார்கள். ஆகவே மக்களின் ஆக்கவேலைகளைச் செய்வதற்கும், நாட்டின் பொருளாதார நெருக்கடியைப் போக்கடிப்பதற்கும் மேல்சபை இருப்பதே அவசியமில்லை. ஆகவே மேல் சபையை எடுத்துவிடவேண்டுமென்ற திருத்தத்தை நான் ஆமோதிக்கிறேன்."

**MR. SPEAKER:**—"I wish to suggest that the House may take up the amendments to clauses 20 and 21 also along with the amendments to clause 19, because all the three clauses are about the Legislative Council."

**SRI T. VISWANATHAM:**—"If the question whether the residuary State should have a Legislative Council or not is disposed of, I think the amendments to the other two clauses can be disposed of easily. Otherwise there will be a lot of discussion."

**MR. SPEAKER:**—"We are now dealing with the amendments to clause 19. I think it will simplify matters if we take up the amendments to clauses 20 and 21 also along with the amendments to clause 19."

**SRI T. VISWANATHAM:**—"I leave it to your discretion, Sir. If the amendments to all the three clauses are taken together, I think my amendment to the Fourth Schedule can also be taken up along with them."

**SRI VAVILALA GOPALAKRISHNAIAH:**—"My amendment to the Fourth Schedule also can be taken up along with these amendments."



[20th July 1953]

The following amendments were duly moved and seconded :—

*Clauses 20 and 21 and the Third and Fourth Schedules.*

**SRI M. KALYANASUNDARAM—**

“ 70 *Delete* clauses 20 and 21, and the Third Schedule and the Fourth Schedule and *renumber* accordingly.”

*Clause 21.*

Sub-clause (1).

**SRI B. KRISHNAMOORTHY ROW—**

“ 71 This House strongly recommends that there shall be a Legislative Council for the Andhra State and provision shall be made by Parliament in the Andhra State Bill for the constitution thereof under such directions as the President may make and issue in this behalf.”

**SRI P. VENKATASWAMI REDDI—**

“ 72 This House resolves that there shall be a Legislative Council for the Andhra State consisting of not less than forty seats of which the sitting members of the Madras State Legislative Council representing the Andhra area therein and such further or other members to make up the said number by election by the Andhra Legislative Assembly and by nomination by the Governor of the Andhra State under such directions as the President may make in this behalf.”

**SRI N. GOPALA MENON—**

“ 73 (i) *Add* as proviso to sub-clause (1), the following :—

‘ Provided, however, that the sitting members of the Legislative Council of Madras who have been elected by the members of the Legislative Assembly of Madras shall continue to be members of the Legislative Council of Madras ’; and

(ii) That the Fourth Schedule be amended accordingly.”

**SRI T. VISWANATHAM—**

“ 172 This House recommends that provision be made to amend list (d) of the Fourth Schedule so as to include the names of Sri B. V. Subrahmanyam, Sri Md. Raza Khan and other members of the Council, who have long residence, vocational and voting interests in the Residuary State only and make consequential amendments to the schedule and clauses.”

**SRI VAVILALA GOPALAKRISHNAIAH—**

“ 173 (d) *Add* ‘ 37 (a) S. Srinivasa Rao ’.”

\* **SRI N. GOPALA MENON :—**“ Sir, the amendment moved by the hon. Member Sri Vavilala Gopalakrishnaiah is to the effect that the Legislative Councils in the Madras, Mysore and Andhra States should be abolished. The Legislative Assemblies consist of directly elected representatives. If we want to abolish all kinds of indirect election, it may not perhaps be altogether

20th July 1953] [Sri N. Gopala Menon]

good. There are some very good points in favour of having a small Second Chamber. Ordinarily we find that the very best men in our country, scholars, scientists and men of that type, find themselves incompetent to contest big elections and so they keep aloof from elections. The technique of moving the masses for getting elected is altogether foreign to the habits and bent of mind of such people. If we want the advice of people of that type, it is necessary that provision should be made for a Second Chamber consisting of members elected by the representatives of the people and also by constituencies like the Graduates' Constituency. If there are in the opinion of the Governor of the State some persons who by virtue of their age, experience and knowledge of men and affairs deserve to be members of the Council, they should also be nominated. I think the provision made in the Constitution for the formation of a Legislative Council in the major States is a salutary one. It is not necessary that the Legislative Council should show its authority by turning down the Bills and other legislative matters that are sent to it for discussion and approval. That is not the real test. The test is really the discussion that takes place in the Legislative Council on the several matters that are placed before it. The expenditure to the Government on account of the retention of the Legislative Council is really a negligible factor. In some States we have something like a Privy Council where the elder statesmen are gathered and asked to express their opinion on major administrative problems. Such a body is not unknown in many countries. In fact, whenever there is trouble in the country, what the ruler of the country does is to get together men who have great experience and leading men of the country who may not be members of elected bodies, ascertain their opinion and act according to it. The object of having a Legislative Council is more or less similar. Hon. Members opposite should not look at the question purely from the point of view of the expenditure to which the State is put to in having a Legislative Council with a few members. If we go through the proceedings of the Legislative Council in some of the States and of the Council of States in the Centre, we find a great deal of light is thrown on matters discussed there. In the first place, the Members there consider the subjects very dispassionately. Although there is the dictum of Burke, yet ordinary an elected Member of the Legislative Assembly has got to consult the opinion of his constituency and act according to it. A Member of the Legislative Council or the Council of States does not have that important impediment. He can consider all matters objectively and dispassionately and give his view on the matters placed before him. That will not finally be binding on the people. It is taken more or less as a sort of advice. From that point of view, I think that it is not desirable to abolish the Legislative Council in Madras. There is no question of Legislative Council in the Andhra State. The amendment that I have given notice of relates to the Legislative Council of the residuary State. The Legislative Council is composed of 24 Members who are elected by the Members of the Assembly. When we elected these 24 Members to the Legislative

11-10  
a.m.



[Sri N. Gopala Menon] [20th July 1953]

Council, we never had in our minds the question whether the Members belonged to the Andhra State or to any other State. They were elected because the Members of the Assembly thought that they were fit persons to participate in the discussions of the Council and give advice. Therefore, they were elected as Members of the Council. Now merely because some of them happen to be Members belonging to districts which will form part of the Andhra State, it may not be quite fair to take them out of the Madras Legislative Council. There are only very few of them, and because they have all been elected by the Members of this Assembly, I would like that they still continue to be Members of the Legislative Council. There are some excellent men among them also. After the formation of the Andhra State, there will be time enough to consider whether the number of the Members of the Legislative Council should be decreased or not. That is why, Sir, I move my amendment. Any removal or deletion from the list of any particular Member, merely because he belongs to Andhra district, would be more or less arbitrary. The Assembly Members are having their own Andhra State. If the Andhra State is going to have a Council, it can certainly adopt these Council Members. But it is not fair that these Members whom we have elected should be left in suspense. The Andhra State is not able to take them because there is no Legislative Council. The residuary Madras State is rejecting them not because they were not elected by all the Members of the Assembly but because they happen to have their residence in Andhra. What is the criterion that prompted the Members to elect them is a question that has to be answered. So far as I am concerned, I can say that the place a particular person occupied or the district where he was living in, was never in the minds of many of the Members of the Legislative Assembly when they voted for those Legislative Council Members. Therefore, as I said earlier, the deletion from the list of particular Members would rather be arbitrary. In fairness let us have the Members whom we have elected irrespective of the places where they reside."

**SRI B. KRISHNAMOORTHY ROW :—**“అధ్యక్షా సూత్రంగా విర్వడు బోధించునట్లు ఆంధ్రరాష్ట్రంలో ఎగువ శాసన సభ ఉండకూడదని కేంద్ర ప్రభుత్వమువారు నిర్ణయించారు. ఆ నిర్ణయాన్ని ఈ బిల్లు ద్వారా ఈ సభ అభిప్రాయంకొరకు పంపించి యున్నారు. ఈ విషయంలో కేంద్ర ప్రభుత్వమువారి ముఖ్య దృశ్యము దేశములో ఏరాష్ట్రములలోనూ ఎగువ శాసన సభలు ఉండకూడదని, ఎగువ శాసన సభలవల్ల అంతేమీ ప్రయోజనములేదని విశదమగుచున్నది. కాని ఈ నాడు దేశమంతటా, అన్ని రాష్ట్రములలోను ఎగువ శాసన సభలు ఉండున్నవి. అయితే విడిబోధించు టువంటి ఆంధ్రరాష్ట్రానికి మూతం ఎగువ శాసన సభలేకుండా, పరిశుద్ధ మద్రాసు రాష్ట్రానికి ఎగువ శాసన సభ ఉండుతున్నారు. అయితే, ఆంధ్ర రాష్ట్రమునకు, ఎగువశాసన సభ లేకుండా చేసినారు గనుక, మద్రాసు రాష్ట్రానికి కూడ ఉండకూడదని నా అభిప్రాయము కాదు. ఈ నాడు మేముసూత్ర రాష్ట్రాన్ని సంపాదించుకొన్నాము. ఇటువంటి సమయమున, చాలామంది విజ్ఞానవంతులు, సాంకేతిక నిపుణులు, రాజకీయవేత్తలు ఆంధ్ర రాష్ట్రానికి చక్కగా నడపడానికి అవసర మనేటటువంటి విషయం అక్కడ కేంద్ర ప్రభుత్వానికిని, ఇక్కడ ఉన్న టువంటి శాసన సభ్యులందరికీనీ, తెలిసినటువంటి విషయమే గనుక, దేశమంతటా,

20th July 1953] [Sri B. Krishnamurthy Row]

ముత్రంగా అన్ని రాష్ట్రాల్లోను ఎగువ శాసన సభలను రద్దుచేయసంతవరకు మా ఆంధ్ర రాష్ట్రానికికూడ ఎగువ శాసన సభను ఉంచవలెనని నేను కేంద్ర ప్రభుత్వాన్ని కోరుచున్నాను. శాసన సభలో ఉన్నటువంటి సంఖ్యలో నాలుగవ వంతు మంది కనీసము 40 మంది సభ్యులు ఎగువ శాసన సభలో ఉండవలెనని ఒక నియమాన్ని రాజ్యాంగ చట్టములో సూచించియున్నారు. అవిధంగా రాజ్యాంగ నిర్ణయ చట్టముతో సూచించినట్లుగా, 40 మందికూడ ఉండడానికి వీలులేకుండా ఉండే మైసూరు రాష్ట్రములోకూడ ఎగువ శాసన సభ ఈ నాటికికూడ అమలులో ఉన్నది. దానిని వివిధంగా మార్చడానికి కేంద్ర ప్రభుత్వం ఇష్టపడడంలేదు. కాని ఆంధ్ర రాష్ట్రానికి మాత్రము ఇటువంటి ప్రత్యేక నిర్ణయం చేయడం ఆంధ్రజాతికే ఒక చెబ్బు అని తెలుసుకొన్నాను. అంతర్జాతీయంగా తీసుకొంటే, న్యూయార్కులో దిగువ శాసన సభలో మారుమంది సభ్యులు ఉన్నప్పుడు, 56 మంది కాన్స్టిట్యూట్ సభ్యులు ఉంటున్నారు. వెనిస్ వేనియాలూ 208 మంది దిగువ శాసన సభలోను, 50 మంది ఎగువ శాసన సభలోను ఉంటున్నారు. తరువాత శెలిగర్షియాలూ 80 మంది దిగువ శాసన సభలోను, 40 మంది ఎగువ శాసన సభలో ఉంటున్నారు. అంతర్జాతీయంగా, శాసన సభలు ఆ విధంగా ఉంటున్నవి. ఇక రాష్ట్రముయొక్క పిస్టర్లం తీసుకొన్నట్లైతే విశాలాంధ్రయొక్క పిస్టర్లం 1,35,000 ఎకరాలున్నూ, జనాభ 93½ కోట్లున్నూ ఉంటున్నవి. ఈ నాడు డిలిమిటేషన్ ప్రకారంగా 146 మంది శాసన సభ్యులతో ఆంధ్ర రాష్ట్రము ఏర్పడబోతున్నది. కనుక ఈ విషయాన్ని తీసికూడ పరిశీలించి కనీసం అన్ని రాష్ట్రములలోను ఎగువ శాసన సభలు రద్దుచేయసంతవరకు ఆంధ్ర రాష్ట్రములోకూడ ఎగువ శాసన సభ ఉంచడం ఉత్తమమని, అది రాష్ట్ర భవిష్యత్తుకు కూడ మంచిని నాదృశ్యము కనుక ఆంధ్ర రాష్ట్రములో ఎగువ శాసన సభ ఉంచవలెనని కేంద్ర ప్రభుత్వమును కోరుచున్నాను."

\* SRI K. KRISHNA RAO :—" Sir, the Andhra State is going to be formed, and we are to recommend whether there ought to be a Legislative Council for Andhra or whether we are to have merely the Assembly and not the Council. We have been seeing the work of these Councils for a number of years. We know that the argument generally is that the Assemblies consist of persons who do not have brains, that the brains are monopolised only by the persons in the Council, and that in the Assembly they have got more the dirt of the people with whom they are mingling and by whom they are elected. I would say it is a cynical and misanthropic philosophy which has been dumped upon us here. A man grows wise by having more contact with the people, and the dirtier he is the more intelligent will he be. The fact is that when we read the proceedings of the Council, we find that many of the speeches are absolutely unrelated to the realities of life in India. They may be wanderings in the clouds; they may be the musings of a heated brain of a college professor, but realities of life they have no relation to. The grievances of the people they do not contain, and the real aspirations of the people they never voice forth. That is why I say the Council, as we see it, is designed to be a relic of the old people who said, 'It is all the mind that matters and matter is nothing. It is only the man who thinks that matters and not the man who works.' It is unfortunately that kind of contradiction between the man who works and the man who thinks that has been going very far with the result that our sciences and arts have become divorced with the

11-20  
a.m.



[Sri K. Krishna Rao]

[20th July 1953]

reality of art or substance. We find that these Councils are actually made use of only as propaganda machines for the Ministry. In fact, we already find that even the Assemblies, as we see to-day, are sought to be made use of by the Ministry to be their tools. So, I do not think that we should allow this kind of thing to proceed. We do not want toys which are to be misnamed Councils. They are mere toys and show-rooms where people with fossilised brains and ideas simply brag out certain things which have no relation to reality and which have the unique merit of supporting fossilised politicians and outmoded ideas and supporting a Ministry which cannot have the support of the people or of the various strata of the people. That is why I say these Councils are merely ornaments. They have long ceased to serve the purpose for which they were intended. They might have been good enough in the era of feudalism when people said, 'One must be born a Lord to be wise.' Nowadays those are outmoded ideas and we find that these people are really fit for the museum and they have no longer any place in politics. We do not want show-things in a museum to be kept in a place called the Council and invested with only one authority, the authority of blocking all progressive legislations, and talking stuff which is high-sounding but has no substance and is unrelated to realities. This Council leads also to another danger, I would say. Unfortunately, on account of the existence of the Council in the Madras State, we have here the Chief Minister giving the touch of the old and the reactionary to everything progressive. We have here a fossilised politician who has always been afraid of the people. In 1937 he went about with the University graduates. He thought that the people were very dirty and that he should not touch them. He again came as a Chief Minister and it was facilitated by the existence of the Council. We do not want people to come by the back door into the Ministry and continue to block our progress, the progress of India towards liberation and the enjoyment of a full life. We have seen in many of the countries where there are Second Chambers that they are intended only to do one thing and that is to bring about interminable talk and verbiage and confuse every issue and not give a reality of the picture as it obtains. I would request this Assembly 'Please do not keep over a new State, over a democratic Andhra, an "old man of the sea" and see that it is sunk under the sea. Please see that we do not have an old man of the sea over our shoulders to block all our progress.' We do not want these Councils. We have seen enough of them. Many of the people in the Council have arrogated to themselves the right of giving sage advice even to us, persons who keep a live contact with the people. They want to give sage advice to us not to keep any contact with the people. Sir, the days of the Council are gone, and to ask that the Andhra Legislature should consist of a Council is to ask that we should go back to the Stone Age. It is not in any way a progressive or modern thing. Therefore, I oppose the amendment which says that there should be a Legislative Council in the Andhra State, and support the amendment which says that there should be no Legislative Council either in Madras or in Mysore or in Andhra."

20th July 1953]

\* SRI G. NAGABHUSHANAM :—“ Mr. Speaker, Sir, the hon. Members who have spoken against the creation of a Second Chamber are really those who are speaking against human experience. In all democracies in the world, generally we have got Second Chambers, consisting of not tools, not show-rooms, not people intended for propaganda, but people who are eminent and wise. Who can say that the Hon. Sri Rajagopalachari and Sri Prakasam who are sitting here are intended to be tools of propaganda? They are the best men of our country who are doing the greatest service to the people. People who think that the Second Chamber is intended to be a show-room are not speaking the truth. They are all people belonging to the Communist Party, who have no faith in freedom of speech and whose Soviet Supreme Council that met recently simply passed all the resolutions placed by the Soviet Cabinet before the Supreme Soviet Assembly. There the resolutions are simply passed. Therefore, they are carrying with them the same experience and the same outlook into the democratic Legislature here and judging the same from that point of view. No doubt, our Prime Minister has said that the Andhra State should not have a Second Chamber. I submit it is only a tentative arrangement due to financial difficulty. Therefore, it should not be held that a Second Chamber is not necessary. It may not be necessary now, but taking the broad principle and human experience into consideration, I submit the Second Chamber is necessary for Andhra Desa for a population of nearly two crores. We want the co-operation of the older generation and experienced people. Hence they are not tools of propaganda, etc. They are very old people and very wise and independent in their outlook. All those people who are speaking against the creation of a Second Chamber are all Communists. They have faith only in themselves and not in others. Their argument is a very short-sighted one. They are always talking of the Second Chamber from the political point of view and not from broad human experience. I say the Second Chamber has done greater good to us. The Second Chamber can revise legislation and send back the same to the Assembly for its consideration. One hon. Member said that so far as the Madras Council was concerned it had not sent back any Bill passed by the Assembly. It may not have been done so far. But the Madras Legislative Council contains eminent people of international fame and high repute like Dr. Lakshmanaswami Mudaliar and several others. If we want to have the co-operation of such eminent people, we should have a Second Chamber. Suppose we want the services of Sri Prakasam and old people like him. We should have the Second Chamber. Therefore, taking the broad human experience and the history of democracy in the world into consideration, I submit that a Second Chamber is essential as a revising body as it contains men of experience, broad outlook and age. Therefore, although the Prime Minister has said that there should be no Second Chamber, I feel that it is necessary to provide for our great men like the Hon. Sri Rajagopalachari and Sri Prakasam who are doing the greatest service to the country.”



[20th July 1953]

SRI T. PRAKASAM :—“ Sir, I may be permitted to say just now that Sri Prakasam is opposed to the idea of having any Council anywhere.”

11-30 a.m. MR. SPEAKER :—“ The hon. Member Sri Kalyanasundaram may move his other amendment also.”

SRI M. KALYANASUNDARAM :—“ Kindly allow me to explain the reasons in a few words.”

MR. SPEAKER :—“ The hon. Member may first formally move his amendment. I will allow him to speak afterwards.”

SRI M. KALYANASUNDARAM :—“ Sir, I move amendment No. 66, which stands in my name and which reads as follows :—

‘ 66. For the existing clause 19, substitute the following :—

“ 19. The Legislative Council of the Madras State shall stand abolished as from the day immediately preceding the appointed day and all members of the Legislative Council shall cease to hold office as such on the day immediately preceding the appointed day.” ’

SRI T. C. NARAYANA NAMBIAR :—“ I second the amendment, Sir.”

\* SRI R. SIDDANNA GOWD :—“ Mr. Speaker, while opposing the amendment given notice of on the Andhra State Bill, I wish to make my position clear. I do not wish to refer to personalities. I am going to speak from an entirely different point of view. Whatever may be the necessity or need for the existence or continuance of a Second Chamber in bigger legislative bodies like Madras, Bombay and other parts to represent expert opinion on various matters of various authorities which are responsible for the extension of elementary education, university education, etc., the existence of a Legislative Council for the Andhra State will only be a stumbling block in the progress of the Legislative Assembly of the Andhra Pradesh. It is said that a Second Chamber is intended to prevent hasty legislations. No doubt it is true in emergent circumstances. The Andhra State will be an infant State starting with a huge deficit and crippled finances. That is why the Government of India have not recommended the constitution of a Second Chamber for Andhra. I strongly support the view taken by the Government of India that there should be no Second Chamber for the Andhra State. It will involve a lot of extra expenditure. The finances of the new Andhra State cannot afford to meet the extra expenditure involved in constituting a Legislative Council and to meet the extra expenditure that will have to be incurred in holding Council sittings and in paying the travelling and other allowances to the Members of the Council. With these words, I oppose the constitution of a Legislative Council for the new Andhra State.”

SRI C. V. K. RAO :—“ Mr. Speaker, I support the provision in the Bill that there should be no Legislative Council for the Andhra State. I support the resolution that there should be no Legislative Council for the residuary Madras State also. It has been argued by Sri Gopala Menon that a Second Chamber will be helpful for the

20th July 1953]

[Sri C. V. K. Rao]

good administration of the country in the sense that experienced men may be brought into the Second Chamber, as such experienced men do not, cannot and will not contest the elections from their constituencies, and that it will have a sobering effect on the revolutionary tendencies of the Assembly. Well, that is a very, very old argument. If the contention is that the Assembly does not consist of such elements, then he may be right. The Member who has been elected from a constituency should have faith and trust in the people and in himself. Anybody is free to contest for an Assembly seat. Persons who are not interested in the administration of the country need not be bothered with the heavy burden of being made Legislators.

"I do not accept the argument relating to the 'sobering effect on the Assembly.' Because, there is room for all sorts of elements getting elected to the Assembly. Now, the election for the Second Chamber is based on indirect election, which is a very wrong method and principle. Under this system, the same person will be voting twice. For example, take the graduates. They will elect one person for the Assembly. Again, as graduates, they can elect another person for the Legislative Council. This is not good. A right is being conferred on certain sets of people who have two votes. Even from this angle, it is not correct to recommend a Second Chamber.

"When I am arguing that there is no need for a Second Chamber, I do not mean any disrespect towards the Members of the Council. What I do want is that they can as well be elected regularly from the constituencies. Now, the Members of the Assembly, after they are elected by the people, have to elect some Members for the Council. I am not able to understand the principle underlying this system. The suggestion for a Legislative Council has come from a party which has not got trust in the people, in the initiative and wisdom of the people. That is the reason for the move for a Second Chamber. I do wish that we as democrats should see that this Second Chamber is abolished. With regard to the men who have already been elected or nominated to the Council, they need not be dismissed straightway. There is a way out for them. In view of the extended constituencies in the different States, they may get elected from one of those constituencies.

"As a matter of fact, a Second Chamber nullifies the work that is being done in the Assemblies. Living in the present time and conditions as we do, I consider it to be a sheer waste of time, energy and money to have Legislative Councils which would be against the democratic aspirations of the people and also against the party spirit about which so much is being said on the floor of the House. As such, I oppose the continuance of the Second Chamber for the residuary Madras State as well."

\* **SRI S. RAMALINGAM** :—“கனம் சபாநாயகர் அவர்களே, ஆந்திர மசோதாவிலுள்ள ஷரத்துக்கள் 19, 20, 21-க்கு நண்பர் ஸ்ரீ கலியாண சுந்தரம் அவர்கள் கொடுத்திருக்கும் திருத்தங்களை ஆதரித்து ஒரு சில வார்த்தைகள் சொல்ல ஆசைப்படுகிறேன். நம்முன் விவாதத்தில் இருக்கும் மசோதாவில் புதியதாக அமைக்கப்படப்போகின்ற ஆந்திர மாகா



[Sri S. Ramalingam]

[20th July 1953]

ளைத்திருக்கிற மேல் சபை கிடையாதென்றும், ஆனால் சென்னைக்கு இருப்பாழுது இருப்பதுபோலவே மேல் சபை இருக்குமென்றும் கண்டிருக்கிறது. நண்பர் ஸ்ரீ கலியாணசுந்தரம் அவர்கள் ஆந்திராவுக்கு மேல் சபை கிடையாதென்பது போலவே, சென்னைக்கும் மேல் சபை வேண்டாமென்று தான் திருத்தம் கொடுத்திருக்கிறார். புதிய மாகாணம் அமைந்தவுடனேயே இருப்பாழுது இருக்கக்கூடிய கவுன்ஸில் அங்கத்தினர்களின் பதவிக்காலம் முடிந்து விடுமென்று அத்திருத்தப்படி சொல்லப்பட்டிருக்கிறது. எந்தக் கருத்தைக் கொண்டு ஆந்திர மாகாணத்திற்கு மேல் சபை தேவையில்லைபென்று சொன்னார்களோ, அதே கருத்துப்படியே சென்னைக்கும் மேல் சபை தேவையில்லையென்றுதான் நாங்கள் கூறுகிறோம். ஆந்திர தேசத்திற்கு ஒரு கொள்கையும், எஞ்சிய பிரதேசத்திற்கு ஒரு கொள்கையும் சர்க்கார் ஏன் வகுக்கவேண்டுமென்றுதான் எனக்குத் தெரியவில்லை. இந்த மசோதாவில் இந்திய சர்க்கார் ஒரு கண்ணில் சுண்ணாம்பையும், மற்றொரு கண்ணில் வெண்ணையும்தான் தடவிவிடுகிறது என்பததான் எனது கருத்து. அங்கு பணச் செலவு அதிகமாகி விடுமென்று மேல் சபை கிடையாதென்று ஒரு கண்ணில் வெண்ணை தடவிவிட்டு எஞ்சிய மாகாணத்திற்கு மாத்திரம் எதற்காக மேல் சபை இருக்க வேண்டுமென்று சுண்ணாம்பைத் தடவ வேண்டுமென்றுதான் நான் கேட்கிறேன். மற்றொரு விஷயத்தை எடுத்துக் கொண்டால் தற்பொழுது உள்ள மேல் சபை அங்கத்தினர்கள் சிலர் அசெம்பிளி மெம்பர்களாலும், சிலர் பட்டாதாரிகளாலும், சிலர் ஆசிரியர்களாலும். சிலர் மேன்மை தங்கிய கவர்னர் அவர்களின் நியமனத்தாலும் பதவி வகித்து வருகிறார்கள். ஆந்திர மாகாணம் அமைந்தவுடன், ஆந்திராவை மேல்சபை அங்கத்தினர்களின் பதவி முடிந்துவிடுமென்று அவர் கண்ணில் சுண்ணாம்பைத் தடவி விட்டு, எஞ்சிய பிரதேசத்தைச் சேர்ந்த அங்கத்தினர்களின் பதவிக்காலத்தை நீடிக்குப்படி இவர்கள் கண்ணில் வெண்ணையைத் தடவுவது மிகவும் வருத்தத்தக்க விஷயமாகும். ஏற்கெனவே நான் சொன்னதுபோல ஆந்திரர்களும், தமிழர்களும் சுண்டை போட்டுக் கொள்ளட்டுமென்று இம்மாதிரி இந்திய சர்க்கார் செய்திருக்கிறதென்று தான் நான் கருதுகிறேன். மேல் சபை இருப்பதினால் நேரடியாக பொது மக்களிடம் சென்று அவர்கள் போட்டுக்கிடைப்பெறாமல், அவர்களின் அனுதாபத்தைப் பெறாமல் கனம் ராஜகோபாலாச்சாரியாரை போன்றவர்கள் கொல்லைப்புற வழியாக உட்கார் நுழைவதற்கு வசதி இருக்கிறது. மேல் சபை இருப்பதினால் தான் அறிவாளிகளின் யோசனைகளைப் பெறமுடிகிறதென்றும், கனம் ராஜகோபாலாச்சாரியைப் போன்ற மேதைகள் தங்கள் யோசனையையும், சேவையையும் நாட்டுக்கு அளிக்க முடிகிறதென்றும், அந்தப் பக்கத்திலிருந்து பேசினார்கள். உண்மையாக இன்றையதினம் கனம் ராஜகோபாலாச்சாரியாரைப் போன்ற மேதைகளின் யோசனைகள் அவசியம் தானா என்று நான் கேட்க விரும்புகிறேன். சர்க்காரின் நிர்வாகம் எப்படி இருக்கிறது. மக்கள் எப்படி கஷ்டப்படுகிறார்கள். அவர்களின் குறைகள் எல்லாம் எப்படி நிவர்த்திக்கப்படவேண்டுமென்பது போன்ற விஷயங்களை மக்களால் தேர்ந்தெடுக்கப்பட்ட மக்களின் பிரதிநிதிகள் முதல் மந்திரியிடம் டெபுடேஷன் சென்றால், டெபுடேஷனுக்கு தலைமை தாங்கி எம். எல். எக்ளை போலீசாரை லீட்டுகை செய்யச் சொல்வதும், ஐந்தாறு மணிகள் போலீஸ் ஸ்டேஷனில் வைத்துவிட்டு பிறகு வெளியில் விடுவதும், அதைப்பற்றி விசாரிக்க வேண்டுமென்றால் தன்னுடைய சட்ட நுணுக்க வாத்தலால் அப்படிச் செய்யாமல் தடுப்பதும் ஆகிய அவரது யோசனைகள் நமக்குத் தேவைதானாயென்பதைப்பற்றி நாம் நன்கு யோசிக்கவேண்டும். மேல் சபை என்கிற கொல்லைப்புற வழியாக அவர்கள் அதிகாரத்திற்கு வந்திருப்பதினால் தான் அவர்கள் பொறுப்பற்ற நிலைமையில் இருக்க முடிகிறது. ஒரு சமயம் தஞ்சைக்கு அவர் வந்திருந்தபோது மக்களின் நிலைமையை நேரில் எடுத்துச் சொல்ல நான் சென்றேன். அவருக்கு நான் வந்திருப்பது பற்றி ஒரு குறிப்பி அனுப்பியதற்கு அவரது காரியதர்சி முதல் அமைச்சா தாங்குவதாகவும் அவரைப் பார்க்க முடியாதென்றும் சொல்லிவிட்டார். அவர்களால் தேர்ந்தெடுக்கப்பட்டு வந்திருந்தால் தானே அவர் மக்களுக்கு நன்மை செய்யவேண்டுமென்று விரும்பப் போகிறார். விரும்புகிறவர்களோடு விவாதம் செய்யப் போகிறார். ஆட்சியை நடத்துவதற்கு போலீஸ் படையை உபயோகிக்கும் கனம் ராஜாஜி போன்றவர்கள் பதவிக்கு வராது இருக்கவேண்டுமென்றும்



20th July 1953]

[Sri S. Ramalingam]

நிச்சயம் மேல் சபையை ஒழித்தாக வேண்டும். பொதுவாக மக்களிடம் நேரடியாகச் சென்று அவர்களுது வாக்குகளை வாங்கி வருகிறவர்கள் தான் மக்களுக்கு விரோதமாக எந்தக் காரியத்தையும் செய்ய பயப்படுவார்கள். மக்களுக்கு விரோதமாக பொறுப்பற்ற முறையில் கனம் ராஜ்காபாலாச்சாரிபாரைப்போல போலீஸ் படையை உபயோகிக்க நடுங்குவார்கள். ஸ்ரீ ராஜ்கோபாலாச்சாரியார் கவுன்ஸில் மெம்பராக இருப்பதினால் தான், மேன்மை தங்கிய கவர்னர் அவர்களின் நியமனத்தின் மூலம் கொல்லைப்புற வழியாக உள்ளே நுழைந்த காரணத்திற்கும் தான் மக்களுடைய கோரிக்கைகளைப் புறக்கணித்து, மக்களுடைய பிரதிநிதிகளைப் பார்த்துப் பேசவும் அனுமதி தர மறுத்து பொறுப்பற்ற நிலையில் ஏதேச்சாதிகாரமாக நடந்துகொள்ள முடிகிறது. பொதுமக்களிடம் சென்று வோட்டு வாங்கி வராததாலும், இனி மேலும் பொது மக்களிடம் சென்று வோட்டுக்கு நிற்கப் போவதில்லையாதலாலும் அவர் துணைச்சலாக நடந்துகொள்ள முடிகிறது. ஆகையால் தான் ஆந்திர தேசத்திற்கு மேல்சபை கிடையாதென்பதைப் போலீஸ், எஞ்சியுள்ள பிரதேசத்திற்கும் கவுன்ஸில் தேவையிலேயென்ற ஸ்ரீ கலியாணசுந்தரம் அவர்கள் கொண்டு வந்திருக்கும் திருத்தத்தை நான் ஆதரிக்கிறேன். ஆந்திர ராஜ்யத்திற்கு கவுன்ஸில் வேண்டாமென்ற கோரிக்கையும் எஞ்சிய பிரதேசத்திற்கு கவுன்ஸில் வேண்டுமென்ற கோரிக்கையும் சர்க்கார் எதற்காக மறைமுகமாக இந்திய சர்க்காருக்கு அனுப்பவேண்டுமென்று தான் எனக்குத் தெரியவில்லை. ஆகவே எல்லோரும் கொல்லைப்புற வழியாக யாரும் நிர்வாகத்தை கைப்பற்றிக் கொண்டு மக்களுக்குப் புறம்பான காரியங்களைச் செய்யாமலிருக்க எஞ்சிய பிரதேசத்திற்கும் கவுன்ஸில் வேண்டாமென்ற நண்பர் ஸ்ரீ கலியாணசுந்தரத்தின் திருத்தத்தை ஆதரிக்க வேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய பேச்சை முடித்துக் கொள்கிறேன்.”

\* SRI K. VARADACHARI :—“ Mr. Speaker, Sir, I am one of those who have given notice of amendments in favour of constitution of a Legislative Council for the Andhra State whatever may happen to the Madras State which has been a progressive one and continues to be so. Whether they retain the Council or not is not my job. But I am particular that in the situation in which the new Andhra State will find itself it is essential that that Legislature should have a Council also so that it may function as a helpful advisory body for at least the duration of the Andhra Assembly, if not permanently. I am aware that the Government of India are thinking in terms of abolishing all Legislative Councils in the country. Whenever such a decision is taken by the high level committee appointed for the purpose and when the great men finally agree to such a course, let it come. But before any such decision is taken, it is curious to find that a State like the Andhra State which, even in its crippled size is still deserving of an upper Chamber is denied one. An upper Chamber is necessary to guide the deliberations of the Assembly on several matters which require expert or elderly experience and advice. Depriving the Andhra Legislature of such an institution is a serious blow to the Andhra State. We constitute a major province. Mysore has got a Legislative Council. Assam has got a Legislative Council. West Bengal has got one. In these circumstances, why should Andhra be deprived of a Legislative Council. Is it proper to deny an upper Chamber when even in the most advanced country like the United States, every State has got a second Chamber in spite of the fact that the population of each small State is not more than three or four million? That being so, in a State which consists of 20 million people and which is promised an increased strength of 196 in the Legislative Assembly,



[Sri K. Varadachari]

[20th July 1953]

it is not proper to refuse a second Chamber, which is after all a negligible factor. The Andhra area has been enjoying an Upper House by remaining in the composite State all this time, a chamber consisting of several great men who have been giving their experience and talents for the proper governance of the country. That being so, I do not see any reason why there should not be a Council for the Andhra State.

"Sir, objection may be taken on the ground that an upper House will be a financial burden on the new State. After all, figures have been worked out and the Legislative Council will not cost more than a lakh and thirty thousand rupees every year. It is not such a big figure. What is there that the Andhra State is going to get by a reduction of this sum from its expenditure? It is not going to be helpful to the Andhra State in its administration. Even if we talk of principle, there is no principle involved in this issue. Are we to assume that all the Constitutions in the world which provide for a second chamber have gone wrong? We are an infant democracy and we cannot say that Legislative Councils are anomalous, out-dated and useless. That is not the attitude we should take. When a final decision is taken by the Government of India, I am sure they will not come to a decision in favour of abolition. The high level committee also I am sure will not favour abolition. Be that as it may. So long as this Assembly in the Andhra continues, a Council also should be there. There are already 24 Members elected from several constituencies. We want only 16 more to constitute the Andhra Legislative Council. This can be arranged either under the Constitution or by the President even at the formation of the Andhra State. I would say that it has become doubly important and necessary that there should be a Legislative Council. The argument heard is that 'in view of some decision that may be taken tomorrow, let us abolish the Council in the Residuary State, or let us have no Council in the Andhra area.' That should not be the attitude. We have been having a Legislative Council in the composite State. Let us continue to have such members. If this course is not possible, the Government of India can decide that those members who are now members of the Legislative Council here representing the Andhra area may be made Members of the Legislative Assembly itself, just as members of this Assembly are now constituted to be members of the Andhra Legislature. Why should they be dismissed straightaway by reason of the Constitution of the Andhra State?

"Sir, my sole and strong plea is that a Legislative Council in the Residuary Madras State is absolutely necessary and for the duration of this Assembly at least, the Government of India and Parliament may consider the question of constituting a Legislative Council for the Andhra State."

\* SRI V. SRI KRISHNA :—“అధ్యక్షా, శ్రీ వరదాచారిగారు మాట్లాడుతూ, ఆంధ్ర రాష్ట్రానికి ఎగువ శాసన సభ అవసరమని, అది ఏమాత్రము రాష్ట్రానికి భారముకాదని ఒక సూచన చేశారు. కాని, అసలు కొత్తగా రాష్ట్రము ఏర్పడబోతున్నప్పుడు మన ఆర్థికపరిస్థితి చాలాలోటుగా ఉండున్నప్పుడు వరదాచారిగారు చెప్పే

20th July 1953]

[Sri V. Sri Krishna]

ఏ కొద్దిపాటి భారమైనా బరువే అవుతుందనీ, రాష్ట్రమునకు చాలా నష్టదాయకంగా పరిణమిస్తుందని నా అభిప్రాయము. ఈ సందర్భంలో, మిత్రులు పరదాచారిగారు, వారి తరువాత మాట్లాడిన మిత్రులును, ఈ సవరణను ప్రతిపాదించినటువంటి క్లిష్టమూరిగారు ఒక విషయము గుర్తుకు తెచ్చుకోవలసియుంటుంది. అంధ్ర శాసన సభ్యుల సమావేశంలో రాజధాని నిర్ణయ సమస్యమీద చర్చ జరిగినప్పుడు, ప్రజాస్వామిక స్ఫూతాలను గురించి దీర్ఘమైన ఉపన్యాసాలు చేసిన మిత్రులు, అనేక ఇతర ప్రజాస్వామిక దేశాలనుకూడ ఉదహరించి మాట్లాడిన రాజ్యాంగవేత్తలు, ఈ నాడు, ఇక్కడ, దిగువ శాసన సభకు ఎన్నుకోబడలేకపోయినవారు దొడ్డిదారిని నిచ్చిన వేసుకొని మిడ్లనెక్కే విధానాన్ని కోరుతున్నారంటే విచారంగా ఉన్నది. ఇతర ప్రజాస్వామిక దేశాలలో, ఎక్కడకూడా ఇటువంటి దొడ్డిదారిని శాసన సభకు వచ్చే పద్ధతిలేదు. అటువంటి పద్ధతిని వీరు సమర్థించడం చాలా ఆశ్చర్యంగా ఉంది. ముఖ్యంగా గత సమావేశంలో క్లిష్టమూర్తి రావుగారు రిమోన్స్ త్యాన్ని గురించి మాట్లాడాడు. నిజంగా ప్రజాస్వామికం అంటే, ప్రజలయొక్క వోట్లచే ఎన్నుకోబడటమేగాక తిరిగి ప్రజలు ఎప్పుడు పనికి రారనుకుంటే అప్పుడు తిప్పిదించే అవకాశం ఉండాలి కాని రాజ్యాంగ చట్టం ప్రకారం ప్రతినిధులు ఏ విధమైన అడ్డు లేకుండా అంటిపట్టుకుని అధికారంలో కూర్చోగలరు. వీరు ప్రజలకు నిత్య ప్రాతినిధ్యము వహించవలసిన అవసరం లేదు. ప్రజాస్వామ్య పద్ధతిని మరుగుపరచి దొడ్డి ద్రోవను వచ్చే పద్ధతిని కోరడం ప్రజాస్వామికం అనిపించుకోదు. సాధారణంగా, ప్రజాప్రతినిధులనేవారు, తమతమ ప్రాంతాల ప్రజలచే ఎన్నుకోబడవలసియుంటుంది, అట్లుగాకుండా, ఇప్పుడు జరుగుచున్నదేమంటే, ఒక సభ్యుడు తన ప్రదేశమైన అనంతపురములో, తన ప్రజలచే ఎన్నుకోబడలేక, అక్కడ ఓడిపోయినందున కాశహాస్తి నియోజకవర్గమునకు నిలబడడం, అక్కడ నెలం ఓడిపోలే దొడ్డిద్రోవనే గడ్డ నెక్కేందుకు యీ పద్ధతి ఉపయోగిస్తుంది."

SRI B. KRISHNAMOORTHY ROW :—"On a point of order, Sir, the hon. Member is speaking on things inconsistent with the amendments before the House."

\*SRI V. SRI KRISHNA :—"Sir, the hon. Member is taking the powers of the Speaker. What I speak is consistent and relevant to the point. ఇప్పుడు, రాజ్యాంగ సభలోను, ఎగువ శాసన సభలోను చాలామంది తెలివితేటలుగల వ్యక్తులు, రాజ్యాంగ వేత్తలు ఎన్నుకొన్నారని సమాధానము చెబుతున్నారు, ఆ ఆధ్వర్యమెటువంటి ఇప్పుడు ఈ రిజిస్ట్రీ కౌన్సిలకు ఎటువంటివారు వస్తున్నారు. వి విధంగా వస్తున్నారని, దాని స్వరూప స్వభావాలు ఒకసారి చూచినట్లైతే, ప్రజలచే శాసన సభకు ఎన్నుకోబడ లేనటువంటి మిత్రులు, వేరేవిధంగా శాసన సభకు ఎక్కడానికి దీనివల్ల మార్గమేర్పడుతున్నదని చెప్పవలసియుంటుంది. దీనికి ముఖ్యంగా మన ప్రధాన మంత్రిగారిని ఉదాహరణంగా చెప్పుచున్నాను. ఈ కౌన్సిలు ఉండే రెనసుకు కారణంగా దీనివల్ల అనేకమంది మేధావులను శాస్త్రజ్ఞులను ఎన్నుకోవచ్చుననే చెబుతున్నారు. కాని, ఎన్నికలో ఓడిపోయినవారు వైకి వచ్చారు. ఎవరైనా జాతియోద్యమానికి వ్యతిరేకులై దేశ స్వాతంత్ర్య పోరాటానికి వ్యతిరేకంగా, సామ్రాజ్యవాదాన్ని బలపరుస్తూ వచ్చారో, అటువంటి వ్యక్తులు జస్టిస్ పార్టీ మురానాయకులు, భూస్వాములు, ఈ రోజున కాంగ్రెసు వామల అండగా మన శాసన సభను దొడ్డిద్రోవ ప్రవేశించడానికి ఎగువ శాసన సభ ప్రధానంగా ఉపయోగపడుతున్నదని గుర్తించాలని మనవి చేస్తున్నాను. ఈ సందర్భంలో పోలియట్ రిమోన్స్ శాసన సభలు వి విధంగా ఉన్నాయని చూచినట్లైతే, అక్కడ రెండు సభలున్నాయి. ఆ



[Sri V. Sri Krishna]

[20th July 1953]

రెంటిలో, ఒకటి ప్రధానమైనది. అది ప్రజలచేత ఎన్నుకోబడినటువంటి ప్రతినిధులు గలది. రెండవది చిన్న చిన్న జాతుల తరపున, మైనారిటీ జాతులయొక్క హక్కులను కాపాడడానికి వారి ప్రయోజనాలను రక్షించడానికి ప్రత్యేకంగా మరొక సభ యున్నది. అయితే, ఇక్కడున్న విధంగా, అక్కడ, ఒకచోట ఓటిపోయినట్లైతే, మరొకచోటలో శాసన సభకు వచ్చే పద్ధతిలేదు. ఆ రకంగా, అక్కడ రెండు సభలు వారు కూడ ప్రజలచే ఎన్నుకోబడినవారుగా యంటారు. ఇప్పుడు మన దిగువ శాసన సభకు ఓటిపోయిన వ్యక్తులూ, ప్రజలయందు నిలబడ లేని వ్యక్తులూ ఈ రెండు రకముల ప్రతినిధులను ఎన్నుకొనుటకు వీలుగానున్నది. అటువంటిప్పుడు, మనకు ఎగువసభ అనేది అనవసరం. దానికి ఎంతో ప్రజాప్రవృత్తి వృధాగా ఖర్చుపెట్టవలసి యుంటుంది. మనము ఇప్పుడు దానికి ఖర్చుపెట్టే స్థితిలో కూడలేము. రెండవది ఈ ఎగువ శాసన సభ ఉండవలసి చాలా తెలివితేటలు గలవారిని శాస్త్రజ్ఞులను ఎన్నుకొనుటకు వీలుగా ఉంటుందని అంటున్నారు. కానీ, ప్రజాస్వామిక సూత్రాలను, స్వాతంత్ర్యవాన్ని దిక్కురించినవారు, వారికి తెలివితేటలు వున్నప్పటికీ, వారు మూఢులైనప్పటికీ శాసన సభకు అర్హులు కారని, వారు శాసన సభలో ఉండవలసిన వారు కాని తెలుపుచున్నారు. అటువంటివారు మన దేశపురేఖవద్దకి ప్రజాప్రయోజనాలకూ అడ్డు ఉడానికి తోడ్పడ గలరు. కనుక అటువంటి ఎగువ శాసన సభ అంగరక్షితులకు లేకపోవడమే మంచిది. తరువాత ముదాను రాష్ట్రమునకు కూడ అది లేకుండా మనము తీర్మానించినట్లైతే, వారికికూడ మనమంతో సహాయంచేసిన వారలతోపాటు మిత్రులకు సలహా ఇస్తున్నాను. తరువాత ప్రధానంగా విజ్ఞానవంతులు, తెలివితేటలు గలవారు, దిగువ శాసన సభకు రాలేక పోతున్నారు. కనుక ఎగువ శాసన సభ అనవసరమని కొంతమంది మిత్రులు చెప్పుచున్నారు. దానికికూడ ఒక మార్గమున్నది. నిజంగా, ప్రజాస్వామిక సూత్రాలను, వ్యతిరేకించనటువంటివారు, తెలివితేటలు గలవారు, విజ్ఞాన వంతులు ప్రజలచేతనే దిగువ శాసన సభకు ఎన్నుకోబడునట్లు చేయవచ్చును. విజ్ఞాన వంతులు, తెలివితేటలు గలవారు ఎవరైన శాసన సభకు ఉపయోగపడు వారున్నాయితే ప్రజలచేత వారు ఎన్నుకోబడుటకు రాజకీయపక్షాన్ని కృషిచేసి వారిని ఎన్నుకోవచ్చును. అది మన చేతిలోనే ఉన్నది. లేదా, అటువంటివారు ప్రభుత్వం యొక్క పరిాలనా శాఖలో ఉపయోగపడునట్లు వారిని నియమించుకోవచ్చును. ఆ విధంగాకూడ వారి విజ్ఞానాన్ని, తెలివితేటలను మనము ఉపయోగించుకోవచ్చును. అంతేగాని, ఎవరైతే దేశానికి, జాతికి, అభివృద్ధికి చేస్తారో, ప్రజాస్వామిక సూత్రాలను వ్యతిరేకిస్తారో, వారికి తెలివితేటలు ఉన్నప్పటికీ, వారిని ఎన్నుకోగూడదు. వారు ఎన ప్రజాస్వామిక విధాలకు ఎక్కడ ఉద్ధంకులుగా పరిణమిస్తారో గాని, వారివల్ల ప్రజలకుగాని దేశానికిగాని ఎమి ప్రయోజనముండటోదు. కనుక అటువంటివారు శాసన సభలో ఉండకూడదు. ఎంత తెలివితేటలు వున్న ప్రజలకు ఉపయోగపడకపోతే ఎప్పటికీ జనం. అటువంటివారిని దొడ్డిదారిలో కాన్సిల్స్ కి తీసుకురావడంవల్ల అభ్యుదయ శాసనాలకు అడ్డంకగడం తప్ప మరేమి ఉండదు. అలాకాకుండా తెలివితేటలున్న వారిని ఎన్నుకోవడం వచ్చునట్లు అయితే రాజకీయ పక్షాలు ప్రయత్నించవచ్చును. మరేంద్రనాథ్ చటోపాధ్యాయ బెంగాలీ హైదరాబాదులో కాపురం. అటువంటి ఆయనను తెలుగు దేశం తీసుకువచ్చి కరి, విజ్ఞానవేత్త, శాంతి ఉద్యమానికి, ప్రజా ఉద్యమానికి తోడ్పడే అభ్యుదయ కామి అని ప్రజలకుచెప్పి విజయవాడలో నిలబెట్టాము. అఖిల భారత నాయకుడే ఆయనకు ఎదురుగా నిలబడినా, గెలిపించడం జరిగింది. అలాగే ఇతర వారి ఆద్యులను. అందువల్ల నా అభిప్రాయం విమిటంలే ఈ కాన్సిలు

20th July 1953] [Sri V. Sri Krishna]

అంధ్ర రాష్ట్రానికి అవసరమని, అటువంటి కాన్సిలు ప్రజాస్వామిక శాసనాలకు అడ్డంకం వుండడంతప్ప మరేమీలేదని, అదే ప్రకారం తమిళ మిత్రులకు కూడా కాన్సిలు లేకుండా వుండవలెనని కోరుతూ విరమిస్తున్నాను."

**SRI PILLALAMARRI VENKATESWARLU :—**" Sir, I rise to support the amendment moved by the hon. Member Sri M. Kal-yanasundaram. I like to bring to the notice of this House one pertinent factor. That is, even the Congress itself has accepted that there is no need for a second Chamber for the States. But I do not know the views expressed by the Madras State. But all the same we find there is a provision in this Bill for the second Chamber in the Residuary Madras State. Actually I feel that there is no necessity for the Madras State to retain the second Chamber. There may be an argument that eminent men and eminent politicians like Mr. Rajagopalachari may be a real necessity for the Residuary Madras State. Then, it is for the Residuary Madras State to decide the issue, and I feel it is for such members to get elected in the Residuary Madras State. The Hon. Mr. Subramaniam may say even that is easier and I do not propose to contest that point either. For instance, Mr. Prakasam got himself elected by standing for and contesting an election. We know, Sir Winston Churchill and others have contested elections even at the age of 80 and our Chief Minister is not yet 80 and he can very well stand for an election . . ."

**THE HON. SRI C. RAJAGOPALACHARI :—**" Is the Council to be abolished because of me? "

**SRI PILLALAMARRI VENKATESWARLU :—**" So, Sir, because prominent men and prominent political figures like Mr. Rajagopalachari, are a necessity in the Madras State, there is no need to have another Chamber. If his presence is essential, the Hon. Sri Subramaniam may resign his seat and get him elected for the Legislature.

" Then, Sir, there is another difficulty about the second Chamber. Many speakers pointed out and many hon. Friends are prepared to quote historical precedents of the difficulties of the second Chamber. Even those who have great faith in the Constitution of England and the practices in England are agreed that this second Chamber is always against reforms. For that reason, there were proposals previously to abolish the second Chamber even in England and so this second Chamber has become a very old idea and many politicians are thinking of giving up these second Chambers . . ."

**THE HON. SRI C. SUBRAMANIAM :—**" What about Russia? "

**SRI PILLALAMARRI VENKATESWARLU :—**" My hon. Friend, Sri Subramaniam refers to the question of Russia. Of course. (Interruption by the Hon. Sri C. Subramaniam) Sir, the Hon. Chief Minister and the Hon. Sri Subramaniam are against all interruptions when they speak. It is unfortunate that they interrupt every speaker, at every stage and on every point. And



[Sri Pillalamarri Venkateswarlu] [20th July 1953]

here he says about Russia. In this connection, may I point out to him that the constitution of the second Chamber in the Soviet Union is entirely different? There are no nominations just like what is happening in Madras. Even for the second Chamber it is by elections that members are chosen. Moreover, there the second Chamber is a House of Nationalities where all the nationalities may be properly represented. For that purpose only there is a second Chamber in the Soviet Union. If that were the composition of the second Chamber here, personally I have no objection and the Leader of the House also will not bring in comparison between the existing Legislative Council and the second Chamber in the Soviet Union. That is why, we feel that the second Chamber here is not only not helpful, but it obstructs the proceedings of the Legislature.

"Mr. Speaker, Sir, you and I are experiencing the difficulties that whenever a Bill is passed by this House . . ."

MR. SPEAKER :—"No, I have never had any difficulty."

SRI PILLALAMARRI VENKATESWARLU :—"No, Sir. One minute and I will explain. Whenever a Bill or a proposition is brought forward here, immediately the Cabinet says this has to go to the Legislative Council; the Budget must be presented there before such and such date and that is why matters have to be expedited here and they bring in pressure on you regarding the procedure . . ."

MR. SPEAKER :—"No, no. Never is any pressure brought on the Speaker."

SRI PILLALAMARRI VENKATESWARLU :—"Sir, even at this stage we are feeling how difficult it is having a second Chamber and how the second Chamber is interfering with our own procedure in this House. That is the very reason why I say that there is no need for a second Chamber.

"Sir, another question raised is about eminent people. I have great respect for the eminence of people. But all the same should that merely be the criterion for a person to be in the Legislature? There is the Advocate-General who is an expert in Law. There is no reason why he should be in the Legislature and decide the policies of Government. The criterion should be whether a particular person represents the people and whether the people have faith in him for him to be a member of the Legislature. We can take eminent men in advisory bodies, like the Educational Council, the Medical Council or the Engineering Council and they may help the Government in carrying on the policies of the Government. So, Sir, these eminent people need not decide the policies of the Government, but at the same time by their eminence they may help the State in carrying on their policies, and that reason need not stand in our way of abolishing the second Chamber.

"Sir, one hon. Member while speaking stated that the Communists oppose the retention of the Legislative Council merely on

20th July 1953]. [Sri Pillalamarri Venkateswarlu]

political considerations. Perhaps, that particular hon. Member is not aware that the Congress itself has decided against the continuation of the Legislative Councils. We will bring in political considerations on political issues and certainly we will do that without raising this issue of the political parties for the abolition of the second Chamber. The hon. Member need not think that the Communist Party is interested in this. He forgets that even the Congress decided likewise. But only the Madras State has proposed the continuation of the Legislative Council. So in bringing in the Communist Party and trying to isolate it even when his own organization had decided on abolition of Legislative Councils, he is entirely wrong.

"We, the Andhra members in the present Legislature are for doing away with the present Legislative Council, so that the new residuary Madras State may also not have the hindrances of a second Chamber.

"Sir, I hope the Resolution given notice of by the hon. Member Sri M. Kalyanasundaram will have the unanimous support from the whole House, despite party politics and party differences."

\* SRI T. VISWANATHAM :—"Mr. Speaker, while rising to support the amendment moved by Sri M. Kalyanasundaram, I also wish to speak on the amendment moved by myself (No. 172). If the amendment of Sri Kalyanasundaram is accepted, my amendment becomes superfluous and I will be very glad. On the other hand, if Mr. Kalyanasundaram's amendment is not accepted, my amendment comes in. Therefore I speak with respect to the two amendments as they are connected matters. My amendment refers to certain names which should have been in the schedule, but which have been omitted for some reason or other. Sir, much has been said why a Council should exist. Personally I am not a fanatic of one or the other theory that the Council should exist or that the Council should not exist. But ideas are developed from existing conditions and when the Constituent Assembly provided for Councils in certain States, they took the old thread from the Government of India Act and reconciled themselves to these councils in certain States. If they had accepted the idea of councils, surely they should have provided Second Chambers for all the States. But they did not. They provided Second Chambers only for some of the States. But we are now trying to continue the thread on the division of this great State into two States. Certain friends have brought in the name of the Hon. Sri C. Rajagopalachari to prove that the council is a necessity. Surely he is not useful for them to prove their case. After all, the Hon. Sri C. Rajagopalachari, so far as the administration of the affairs of this State was concerned, was not in the picture at all. He was not an afterthought. Something had to be done in the last moment to save the Government in Congress hands and so he came in and the argument that there was no place for a great elderly statesman otherwise does no good. If originally he wanted to take part in the affairs of this State, he would have come in the ordinary way.

12-10  
p.m.



[Sri T. Viswanatham]

[20th July 1953]

Ideas develop from existing conditions. The States which are given councils are not in a different category. Seeing indeed the nominations and seeing also that Members who are set up by the political parties to the council are not great and elderly statesmen whom and whose greatness we now extol, I can say they are generally persons who have been left out in the selection of members for the Legislative Assembly. That is how the councils are justified. There is a greater reason now than at the time of the Constituent Assembly why these councils should go. If in this brief period of three years the councils have justified themselves, possibly I should have come to the view that the Second Chamber is an advisory or revising Chamber. It would be wrong if I try to analyse the personnel. But the facts are well known and that is why a general atmosphere has spread in favour of the abolition of councils. I know that certain of my friends belonging to the Congress Party have said that the council for Madras is a necessity for the reasons which they have stated. But they are no reasons at all. All the same, if my information is correct, the Congress Party also in their memorandum to Mr. Justice Wanchoo stated that the councils are not good. They did not want a council for Andhra. Certainly what applies to Andhra must also apply to Madras. It does not depend merely on numbers. It is not merely a question of numbers, the Assembly having 160 and the Council having 40. Punjab and Mysore have got Legislative Councils without having 160 members in their Assembly. The reasons which prompted the forward Andhras to ask for the abolition of the council must also apply to the progressive friends that are now in the Residuary Madras State. (The Hon. Sri C. Rajagopalachari : 'We are backward'.) I do not like the Hon. Chief Minister just to say that they are backward. They are very forward. I do not support the existence of a council just for the sake of a few Members. I also submit that the theory that there is a necessity is not correct because its existence has not justified the theory.

"Then, Sir, if the amendment of Sri M. Kalyanasundaram is not accepted, in the composition of the members of the council for the residuary State, certain changes have got to be made and that is the subject-matter of my amendment. In the schedule giving the names of members of the Madras Legislative Council, the names of certain members have been removed and I do not know on what principle. I am not particularly referring to the members who have been elected by the Graduates' Constituencies which are divided on a territorial basis, nor am I referring to the members who have been elected by the Teachers' Constituencies which are also divided on a territorial basis. Then there is the case of 24 members who have been returned to the Council by the common vote of the Assembly and if some members are to be retained and some others are to be removed, an over-riding justification has got to be presented and it must appeal to a reasonable mind. I submit that the 24 members have got a vested right and they cannot be deprived of their vested right by mere legislation. Legislation can alter political status as regards the future. But

20th July 1953]

[Sri T. Viswanatham]

vested rights cannot be cancelled as they cannot be cancelled in contractual obligations. The 24 members who have been elected to the Council by the common vote of the Assembly have got a right to continue whether they belong to the residuary Madras State or not. I submit it would not be an anomaly. We are accustomed to anomalies. The Andhra University Senate has members who represent areas which are affiliated to the Madras University. The world consists of several anomalies and wisdom consists only in reducing their number and not in creating more anomalies, by trying to abolish one. I entirely agree with Sri Gopala Menon whose views are generally very balanced that it is very arbitrary and discriminatory to take away the names of some members by mere legislation. The Government may say that they have removed those names on the ground of their domicile or on the ground of their vocational or voting interest. Even then the principle is not correctly applied. Mr. Raza Khan whose name is removed has no voting or property interest in the new Andhra State. Sri B. V. Subramaniam whose name also is removed has no voting or property or vocational interest in the new State. They are citizens of the residuary State and there is no reason why their names should not be there. Then there is the well known pest Mr. Srirangam Srinivasa Rao who has been recently elected to the Council and who has voting and vocational interests in the Madras State. I cannot understand why these three names have been removed. If the Government have got some difficulty in adjusting the numbers, they might choose some other method rather than removing the names of these three gentlemen in this manner who have been elected to the Council by the common vote of the Assembly. I think the Government should revise their views in respect of these three members. I therefore submit that my amendment might be accepted if the House rejects the amendment of Sri Kalyanasundaram."

MR. SPEAKER :—"The hon. Member has mentioned only two names in his amendment." 12-20 p.m.

\* SRI T. VISWANATHAM :—"Yes, Sir. After seeing Vavilala Gopalakrishnaiah's amendment, I had included the names of Sri Srinivasa Rao, and some other similar members also. I submit that this taking out of the names of these members from the list of Council Members is unparliamentary, undemocratic, unconstitutional and arbitrary. I once again submit, Sir, that the continuance of the Council after separation will be against the wishes of all progressive forces which demand its abolition. Let not the Hon. Chief Minister sidetrack the issue by saying that they are backward, they want a Council, etc., etc., and thus brush it off."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD :—"Mr. Speaker, Sir, I am rather surprised at the turn the discussion has taken. I might even say that I am rather amused at seeing the difference of opinions among the Andhra Legislators themselves. Some favour abolition of the Council, while some others had waited on deputation on the Prime Minister and demanded



[Raja Muthiah Chettiyar of Chettinad] [20th July 1953]

its retention. I could well understand the Andhras saying that they want an Upper House or they do not want it after the appointed day, i.e., 1st of October 1953 when their new State would have been born. But I am surprised at their participating in the discussion regarding the continuance or retention of the Upper House in the residuary State (mind you, not Andhra State) when all of them would have gone when the residuary State is born. Why should they shed their tears for the retention of our Upper Chamber, I do not know.

"Let me now come, Mr. Speaker, to historical facts, to basic facts. This question has been thoroughly discussed in the past. In fact this question figured prominently when the Constituent Assembly was discussing the question whether to continue or retain the Upper Chamber in the States. After mature consideration they decided in favour of the retention of the Upper Chamber in the States in which it already existed. Can we say that their decision was an off-hand one? Why should our Andhra friends show extra kindness to us by advising us to abolish our Upper Chamber after their separation? I am unable to understand the mystery behind it."

SRI T. VISWANATHAM:—"On a point of order. It is not a question of Andhra or Tamil, Sir. We are members of the House till 1st of October 1953 and till that time we enjoy the same rights and privileges as the Raja of Chettinad."

RAJA MUTHIAH CHETTIYAR OF CHETTINAD:—"I know Mr. Viswanatham for a very long time, Sir. The only point I could not understand still is, why are the Andhra Members showing this extra kindness to us in favouring the abolition of the Upper Chamber in the Tamil area, when in fact it is one concerning us and not them, for they would have gone by that time. We do not stand to lose anything by having an Upper Chamber. In fact it is a blessing for the minorities. This has been recognized by the Congress also. Mr. Viswanatham knows all those things. In fact he had been all these years a Congressman. Now only he had changed."

"The necessity of an Upper Chamber had long ago been realised. In fact when my revered leader Sri Rajaji was running the administration during 1937-39, I had the privilege of being the Leader of the Opposition. It was there that I found the necessity of an Upper Chamber. The minorities, the voice of those who had been defeated in the elections, cannot be so easily brushed aside. In fact the case of minorities stands to gain by having an Upper Chamber, for if not in the Assembly at least in the Council it would be referred. In fact I like this gradation process starting from the Assembly, then Council, then House of the People, then Council of States and then the Supreme Court. That would act as a sort of check. I have noticed several times in the usual tense atmosphere prevailing in the Lower House, at times Government have got to say 'No' to several things to which on normal occasions they would have said 'yes'. The

20th July 1953] [Raja Muthiah Chettiyar of Chettinad]

existence of an Upper Chamber would exercise a balanced check against such hasty legislation. That should not be lost sight of. In fact we stand to gain and not lose by having an Upper Chamber. I could very well understand hon. Members saying that we may alter the procedure of nomination, we may reduce the number of persons to be nominated by the Governor or some such thing. I can understand that. In fact we want to encourage democratic methods. But it rather amuses me when I find Andhra members showing this extra kindness to us and that too on the eve of separation.

“In fact democracy has taught us a lesson. In such an advanced democratic country like the United Kingdom, what do we find? Of course I do admit that the House of Lords is constituted on altogether different lines from our Upper Chambers. But what is the purpose served by it? Can it be said that that is merely a waste? Can we say that it had not properly exercised its discretion in the discharge of its duties and that it had been continued only to please the whims of peers? What did the extremist Socialist Party say? What did the Labour Party say with regard to the continuance of the House of Lords? They never objected to its continuance. They never favoured even on one occasion its abolition. In fact the House of Lords is there to have a balanced legislation, avoiding the often hasty measures of legislation that springs from the tense atmosphere of the House of Commons. After all what are the powers of our Upper Chambers now? We have greatly reduced their power. People who are well aware of their influence after the passing of our Constitution know full well that its previous powers had been curtailed to a large extent. They have neither voting strength nor can they move amendments to any Money Bill. That power had been taken from their hands. The Upper Chambers, as they are constituted at present, are there as a revising Chamber. They are not there to duplicate our work. In fact, I may say, their continuance will be only to our advantage and not disadvantage.

“Let me not be mistaken as though I am favouring the retention of the Council in the residuary State of Madras for the sake of Rajaji. Eminent men like Rajaji need not have any back-door entrance. On any day and at any moment they can contest any seat in the Assembly and nothing short of success will attend their efforts. Rajaji has served in the past, he is serving and he will continue to serve the public irrespective of the fact whether he is inside or outside the legislature. I wish to ask in what way the Upper House has overridden the powers of the Lower House. May I know what are the instances when the Upper House has curtailed the powers of the Lower House. It may be contended that it has been superfluous fifty per cent and useful fifty per cent. But I say, the Opposition have much to gain by the existence of an Upper House for there will be more opportunities for presenting their view points to the country through the respective legislative bodies. It has done real service to the country and I would appeal to all hon. Members to consider this aspect of the matter,

12-30  
p.m.



[Raja Muthiah Chettiyar of Chettinad]

[20th July 1953]

namely, that it affords a great privilege and opportunity to the Opposition which they should not lose and the country should not lose."

**\*SRI M. KALYANASUNDARAM :—**" கனம் சபாநாயகர் அவர்களே, இப்பொழுது மேல்சபை இருக்க வேண்டிய அவசியத்தைப்பற்றி சர்க்கார் கட்சியைச் சேர்ந்தவர்கள் பேசினார்கள். அப்படி நோடியாக மேல் சபை இருக்க வேண் றென்று பேசுவது தான் நேர்மையாக இருக்கும். ஆனால், அதற்குப் பதிலாக ஆந்திரர்கள் இருக்கும் போது நாம் ஏன் மேல் சபை சபைப்பற்றி பேசவேண்டும் ; நாம் பிரிந்த பிறகு மேல் சபையைப்பற்றி பேசிக் கொள்ளலாம் என்பது நேர்மைக்கு குறைவானது என்பது தான் என்னுடைய தாழ்மையான அபிப்பிராயம். ஏனென்று கேட்டால், சர்க்கார் கட்சியைச் சேர்ந்தவர்களுக்கு எப்படியும் மேல்சபை இருக்க வேண்டுமென்று இருக்கிறது. கொள்கை அடிப்படையில் இருந்தாலாவது ஒப்புக்கொள்ளலாம். இப்பொழுது பேசுவதையும், சர்க்கார் கட்சியைச் சேர்ந்தவர்கள் துரிதமாகச் சென்று வோட்டுகளைச் சேகரிக்க முயற்சி செய்யும் முறைகளையும் பார்க்கும்போது, என்ன சந்தேகம் வருகிறதென்றால், ஏற்கனவே இந்தச் சபையின் மூலம், நேரடியான தேர்தலில் நின்று வர விரும்பாத ஒருவரை முதல் மந்திரியாய் சமத்தியாகிவிட்டது. நிர்வீணைக்குப் பிறகு, தேர்தலில் தோற்கடிக்கப்பட்ட வேறு ஒருவரை முதல் மந்திரியாய் சமத்துவதற்காகவே மேல்சபை இருக்க வேண்டுமென்று சர்க்கார் கட்சியைச் சேர்ந்தவர்கள் விரும்புகின்றனர் என்ற சந்தேகம் ஊர்ஜிதமாகப் போகிறது. கம்யூனிஸ்ட் கட்சியைப் பொறுத்தமட்டில் நான் கம்யூனிஸ்ட் கட்சியின் சார்பில் தான் பேசுகிறேன். ராஜகோராலாச்சாரியார் இருக்கவேண்டுமா, இருக்க வேண்டாமா, அல்லது பக்தவத்சலம் வரவேண்டுமா வரக்கூடாதா என்பதல்ல பிரச்சனை. மேல்சபை இருக்கவேண்டுமா, அது அவசியமா என்று பார்த்தால், கம்யூனிஸ்ட் கட்சியைப் பொறுத்தமட்டில், மேல் சபையானது ஜனநாயகத்துக்கு விரோதமானது. மேல்சபை எப்படியும் இருக்கவேண்டுமென்பதற்காக நல்ல வார்த்தைகளைக் கொண்டு அது வர்ணிக்கப்பட்டிருக்கலாம். அறிவாளிகளையும், விசேஷ நிபுணர்களையும் கொண்டு வருவதற்காக மேல் சபை இருப்பது கச் சொல்லலாம். ஆனால், நம்முடைய அனுபவமானது ஜனநாயகத்திற்கு விரோதமாக, ஜனநாயக நம்பிக்கையற்றவர்களுக்குப் புகலிடமாக மேல்சபை உபயோகப்பட்டு வந்திருக்கிறது என்பது. அதே கொள்கை தொடர்ந்து நடக்குமோ என்ற சந்தேகம் எங்களுக்கு இருக்கிறது.

" ஒரு விஷயம். இந்தப்பிரச்சனையில் ஆந்திரர்கள், தமிழர்கள் என்ற பிரசாரத்தில் ஏமாந்துவிட வேண்டாமென்று சபையோர்களைக் கேட்டுக்கொள்ளுகிறேன். ஆந்திரர்கள் அல்லது தமிழர்கள் என்ற பிரச்சினைக் இதில் இடமில்லை. ஜனநாயகத்திற்கு மேல்சபை விரோதமா இல்லையா என்று தான் ஆலோசிக்கப்படவேண்டிய விஷயம். ஆனால், இந்த விஷயத்தில் ஆந்திர மக்கள், தமிழர்கள் என்ற வித்தியாசமின்றி எல்லோரும் கொள்கையின் அடிப்படையில் மேல்சபையை எதிர்த்து வோட்டு போட வேண்டுமென்று கேட்டுக்கொண்டு என்னுடைய பேச்சை முடித்துக்கொள்ளுகின்றேன்."

**\* SRI P. RAMAMURTHI :—**" Mr. Speaker, Sir, the hon. the Rajah of Chettinad was surprised at the turn of the discussion but I am not at all surprised at the trend of the hon. Member's speech. Unlike the Rajah of Chettinad, I have had the privilege of having been associated with the national movement for a long time and so, I know what the national movement itself thought about the existence of the Second Chamber. We know that in 1935, we had the Constitution under the Government of India Act, 1935. The Congress carried on a virulent campaign against that Act and there is a publication by the All-India Congress Committee regarding the Act and one of the points that had been made against that measure was that the constitution provided for Second

20th July 1953]

[Sri P. Ramamurthi]

Chambers in many of the provinces as well as in the Centre. The All-India Congress Committee always took the view that the existence of the Second Chamber was an anachronism and it was a deadweight on any kind of progressive legislation and they have been always utilized for this purpose; as experience has shown and as even the history of Great Britain has shown, the Upper Houses consist of reactionary and vested interests and in the name of moderation and in the name of not giving way to passion and heat, it has always been utilized as a deadweight on progressive legislation. Therefore, in 1935 the Congress took the view that Upper Chambers should be abolished not only in the States but also in the Centre and the Congress also took the view that there cannot be any system of indirect election. Indirect election is something which is abhorrent to our concept of democracy. That was the view of the Congress in 1935 and I quite remember that while in the general elections of 1937, we went round the country doing propaganda for the Congress, Pandit Jawaharlal Nehru went on addressing mammoth meetings in the country in which he said that the constitution as envisaged in the Government of India Act of 1935 should be broken and the main point that he made against that constitution was the creation of Upper Chambers, the citadel of reactionary elements and of vested interests in the country which would act as a deadweight against any form of progressive legislation. I am not at all surprised at the attitude of the Members on the other side; I am not surprised at all at the opposition of the Rajah of Chettinad because I know that the Rajah of Chettinad was in 1935 opposed to the opposition of the Congress to the creation of the Second Chambers; I am not at all surprised coming as he does from a class which has vested interests and has stakes and he was afraid that a popular House elected by the people of the country might rush in progressive legislation which might affect him and his class and the retention of Upper Chambers was absolutely essential for the purpose of preventing that and that is why he and his class opposed the proposition of the Congress. Today, Sir, things have changed and the Congress itself has shed its ideas and the Rajah of Chettinad and people of his like are inside the Congress. That unfortunately is the position for us today. Therefore, I am not at all surprised at the trend of this discussion today. While I am speaking on the motion, let me make it clear that I am not at all apologetic because it is a political question, a question whether what sort of legislature the country should have and what type of legislative chambers a State should have; that is a political question. Therefore, we are moved by political considerations and we need not be ashamed at the stand we take with reference to this particular matter. (The Hon. Sri C. Rajagopalachari: 'Some times has been spent over this question in the Constituent Assembly.') Sri Rajaji did spend some time and a number of hon. Members from the other side did spend some time on this question in the Constituent Assembly and it does not mean that what they thought at that time is always bound to be correct; it does not mean that what they did in 1950 and 1951 is always correct



[Sri P. Ramamurthi]

[20th July 1953]

12-40  
p.m

because they have gone back upon the promises that they made earlier for reasons best known to themselves. It does not mean that we are bound by their views but we have to express our views now. The question has been raised whether there is not a Second Chamber in the Soviet Union. Before that question is answered and it is mentioned as an analogy, let us understand what exactly is the position there. In Russia there are a number of nationalities; there is the Great Russian nationality with a population of 8 crores and there are also small nationalities with a population of barely 2 millions like the Azerbaijan nationality because there are different States and it is a Federal Republic. It has been there in order to ensure the implementation of two basic principles, namely, the equality of man and equality of nationality. Each individual will have the equal right to vote and each nationality whether it is a nationality of 8 crores of people like the Great Russians or a small nationality of 2 millions like the Azerbaijanians will have equal representation in the Second Chamber so that each of these nationalities feel confident that no majority nationality will be able to oppress or exploit them. They both have got equal powers. There is no question of having legislative powers only for the one House. The House of People and the House of Nationalities have equal powers. That is an entirely different question. We are not dealing with that question now. When the question of the American Constitution is raised, I would ask the hon. Members 'Take the 52 American States. Is there a single American State where there is a bi-cameral legislature? Do not talk of the Federal Constitution wherein they have provided for two Chambers. The question with which we are now concerned is whether there should be a bi-cameral Legislature for the States and I submit that those members who are trying to draw the analogy from the American Constituent or some other constitution do not realize that those States do not have the Second Chamber there. Now let us come to the question of practical politics. During the year 1937 also there was a Council. For the last one and a half years there has been a Council. What earthly purpose is this Council serving? Some hasty legislation might be passed; some hasty decisions might be taken by the Legislative Assembly and the Council might interfere and ask us to reconsider that legislation. I would ask 'Show me one instance in which this Council has interfered.' Leave alone the question that the Council has not acted. Why should persons, who are not the real representatives of the people, step in? Let us be very clear about it. People who are elected indirectly have no direct touch with the common people. They are not answerable to the electorate. Nobody bothers about them. They need not go to the electorate and tell them what they have done. That an unnecessary set of people, who are not answerable to anybody, should interfere or even have the right to suggest to a House consisting of the elected representatives of the people that they should reconsider a question is an intolerable position. I submit that this is not a position which is in consonance with the principles of democracy. We do not want them. It is said that

20th July 1953] [Sri P. Ramamurthi]

there are eminent scientists and eminent artistes. Very good. But we are dealing with the question of politics. If we are to decide inside this Legislature the question of what form of music is best suited to the Tamil people or the Andhra people, or whether a particular *raga* is good or not. Then there must be some musicians. We are not concerned here with music. If we are reduced to a music academy or an art academy or a dance academy, then things would be entirely different. Even take the question of Scientists. How many Scientists are there who take an active interest in political affairs? There are hundreds of Scientists who shut themselves completely from day-to-day human affairs. They do not understand to develop the human aspect. They think of science in isolation. They know their laboratories and their theories of science. How can those people, for example, interfere when dealing with questions affecting human affairs? On the other hand, if there are scientists, if there are artistes who take interest also in political and social affairs, then obviously they will be elected by the people. Therefore, the argument that simply to provide for certain class of persons to be nominated by the Governor there must be a Council seems to me to be quite unreasonable.

“ Now, let us see what purpose this House is serving. It has served only one purpose, namely, the purpose of political manoeuvre by the party which is in power—may not be in power at the moment—but the overall power it might wield at the Centre enables that party to manoeuvre through the Councils to retain its hold in the various States. This might be one of the purposes. Why should we allow a body who have not been elected by the people of this country and who do not speak in the name of the people to represent the people just for the luxury of the ruling power being enabled to manoeuvre to enter into subterfuges for the purpose of defeating the verdict of the people? I am not bothered whether the Congress party does it or whether any other party does it. All I am concerned is that we should remove that particular body or that particular machinery which indulges in this kind of subterfuges. There is no earthly use and it is a costly affair too. Our own work suffers. That time may be utilised to our best advantage. We, the representatives of the people of this country, do not get opportunities to put forth all the grievances of the people on the floor of the House. There are hundreds of things which the people want us to raise on the floor of the House for being discussed so that we may be able to influence the views of the Government or to formulate policies on all these questions. We do not get the opportunity because the Council has also to sit. Instead of that, if the time that is wasted in the Council is utilized by the Assembly, then hundreds of questions of public and extreme importance could be usefully discussed and the Government will be able to understand what exactly the feelings of the common people are on those questions. I therefore support the amendment of Sri Kalyanasundaram and oppose the amendment which says that there should be a Council for the Andhra State.”



[20th July 1953]

\* THE HON. SRI C. SUBRAMANIAM :—“ Mr. Speaker, Sir, on the question of the retention of the Council in the residuary State of Madras I want the hon. Members to come to decisions apart from personalities. The determining factor should not be that Rajaji happens to be in the Council or that Prakasam has now ceased to be in the Council. That should not be the argument either for the retention of the Council or for its abolition. Therefore, let us take an impersonal view of the question and find out whether we should support this amendment moved by Sri Kalyanasundaram or not. In the first place, a sweeping statement was made by Sri Kalyanasundaram that the Second Chamber by itself is an undemocratic one. I am not prepared to accept that statement. With a Second Chamber a Constitution may be democratic. With a Single Chamber a Constitution may be totalitarian. The existence of a Second Chamber has absolutely nothing to do with the democratic basis or undemocratic basis. We should not confuse the issue by thinking that the Second Chamber by itself is undemocratic. On the necessity or otherwise for having a Second Chamber, volumes have been written by constitutional pandits and professors of politics. Some people have argued that a Second Chamber serves a very good purpose, and some people have said that it is a hindrance. Opinion on the point is divided and the view of every one depends upon his political complexion. Very good arguments can be advanced for the retention or abolition of the Second Chamber. The Leader of the Opposition said that there was no use of the Second Chamber, that it should not criticize the view of the elected representatives in the Assembly, that it merely wasted time and did not produce even one good result. I am not at all surprised at the way in which he argued, knowing as I do, his political ideas and creed. What does the minority in this Assembly do? It does not carry through any proposition, because there is the majority on the other side. It has got the right to argue and hinder the progress of business. When Sri P. Ramamurti comes to power, he would not tolerate any opposition or hindrance to the programme of the majority party, and therefore the minority opposition would be completely liquidated! It is only a reflection of this idea that we find in his argument that the Second Chamber only hindered all progress and did nothing more than that. He holds the creed that when his party gets a majority and wields power, all opposition should be wiped out. He takes the Assembly as the unit wherein he operates and says that nobody else should have the right to criticize or point out the mistakes that the Members of the Assembly might commit.

“ If, in the course of the last one year and a half, the Legislative Council of this State has had no occasion to disagree with any of the measures passed in this Assembly, it is because of the peculiar situation obtaining here. The Chief Minister, who is the Leader of the House in the Council, happens to be in this House also in his capacity as Chief Minister. Whatever view he has, he puts it before this House and carries it through. Therefore

20th July 1953]

[Sri C. Subramaniam]

when he goes before the Council there is no disagreement. There is no guarantee that the same state of affairs will continue for ever. Therefore the fact that the Council had not disagreed with any of the measures passed by this Assembly during the last year and a half should not be adduced as an argument against the retention of the Legislative Council. Previous to 1952, there have been occasions when the Council sent back Bills to the Assembly suggesting very good amendments, and such amendments have been accepted in the Assembly. Therefore I respectfully submit that we should not judge by what has happened in the course of the last year and a half.

'The next argument put forward by the Leader of the Opposition was that the Congress Party itself was once of the opinion that there should be only one chamber and that my hon. Friend Raja Muthiah Chettiyar of Chettinad, who was then opposed to the Congress, was now supporting the Second Chamber. In the Constituent Assembly, the Congress Party had a majority and it could have carried the proposition that there should be only one chamber. But after careful consideration, a provision had been made for the retention of the Upper Chamber in certain States. It is not as if they have made this provision a permanent one binding for ever; they have also made provision for abolition of the Upper Chamber. Therefore, it is not right to argue that the Congress held the view in 1936 or so that there should be only one chamber and that the Congress Members are not entitled to go back on that view. Provision has been made in the Constitution for such a revision. Therefore it need not be assumed that the Congressmen who are voting for the retention of the Second Chamber are voting for an anti-democratic measure or voting for a thing which is opposed to the Congress creed.

'I respectfully submit another point for consideration. There is a provision in the Bill for the retention of the Legislative Council in the residuary State, and this House is no doubt entitled to express its opinion on it. On that ground, the amendment suggesting the abolition of the Council may be considered to be in order. But there are provisions in the Constitution itself providing for the creation or abolition of the Legislative Council. The relevant articles are as follows:—

' 168. (1) For every State, there shall be a Legislature which shall consist of the Governor, and

(a) in the States of Bihar, Bombay Madras, Punjab, Uttar Pradesh and West Bengal, two Houses;

(b) in other States, one House.

169. (1) Notwithstanding anything in article 168, Parliament may by law provide for the abolition of the Legislative Council of a State having such a Council or for the creation of such a Council in a State having no such Council, if the Legislative Assembly of the State passes a resolution to that effect by a majority of the total membership of the Assembly and by a majority of not less than two-thirds of the members of the Assembly present and voting.'

So far as the Madras State is concerned, it is a continuing entity though a portion of its territories is transferred to another State



[Sri C. Subramaniam]

[20th July 1953]

and another portion is carved out into a separate State. There is no question of dismemberment of the State. If the Legislative Council of Madras is to be abolished, action can be taken only under Article 169 (1). Articles 3 and 4, under which this Bill is brought forward, are not the appropriate articles under which action could be taken for the abolition of the Legislative Council. Article 4 (1) reads :

'Any law referred to in article 2 or article 3 shall contain such provisions for the amendment of the First Schedule and the Fourth Schedule as may be necessary to give effect to the provisions of the law and may also contain such supplemental, incidental and consequential provisions (including provisions as to representation in Parliament and in the Legislature or Legislatures of the State affected by such law) as Parliament may deem necessary.'

The abolition of the Legislative Council cannot be said to be supplemental or incidental to or consequential upon the transfer of certain territories of the State to some other State and carving out some portions into a separate State. Therefore I submit that the expression of our opinion in this matter on this Bill is not quite relevant. Parliament can take action for the abolition of the Legislative Council only if action is taken under article 169 (1), and under no other circumstances. Therefore no useful purpose will be served by accepting or rejecting Mr. Kalyanasundaram's amendment. The opinion expressed will be infructuous. The Madras State is going to be divided. I respectfully ask Mr. Kalyanasundaram whether we cannot consider the retention or abolition of the Legislative Council for the Residuary Madras State after the partition. If action is taken for the abolition of the Council under article 169 (1) even now by this House, it will be quite in order. But to try to move for achieving that object in a Bill under article 4 will be quite out of order. Taking this view, I respectfully submit, and I still appeal to Mr. Kalyanasundaram and the Leader of the Opposition to consider this aspect apart from political considerations. On political considerations Mr. Kalyanasundaram may wish to press his amendment. Apart from the constitutional point of view and the legal point of view, from the propriety point of view, it is better that he abstains from pressing this amendment. He (Mr. Ramamurthi) has very strongly expressed his opinion, and that expression of his opinion has served the purpose. He stands by his creed. He does not brook any opposition to this Chamber from the Upper House. He does not want any opposition. Having unequivocally expressed his opinion, I ask, Sir, is it necessary to press this amendment. If he wants to gain a political point, it is open to him to do so. Mr. Viswanatham, who is a lawyer himself, may consider this aspect of the matter. It is not as if we do not want our Andhra Members to guide and advise us so that we may prosper and progress. Taking this into consideration, Members on this side thought that it should be left to the Residuary State to decide whether it should have a second chamber or not. Another objection was taken in regard to the composition. Mr. Viswanatham and Mr. Ramamurthi were arguing that the composition of the second chamber was not good. Their opinion

20th July 1953] [Sri C. Subramaniam]

may be correct or may not be correct. Upper Chambers have been put in there only as an experimental measure. Provision is made under Article 171 for changing the composition of the House. If the Opposition Members think that the present composition is not good, but the composition existing in Russia (in that Heaven on earth) is good for us, we are prepared to take that also. Parliament can consider that under article 171. Article 171 (2) says: 'Until Parliament by law otherwise provides, the composition of the Legislative Council of a State shall be as provided in clause (3)'. It is not as if the composition of the Council cannot be changed. Until it is changed, the composition should continue to be the same. It is open to us to make a suggestion to Parliament to see that our Legislative Councils are based on such and such principles, and that they should be on Russian model or British model, or purely on the model to be suggested by the Leader of the Opposition. The Leader of the Opposition may suggest a new composition for the Council. Simply because of the present composition of the Council, we need not oppose retention of the Upper Chamber. Considering all these things, I appeal to the House, if Mr. Kalyanasundaram chooses to press his amendment, to reject and throw out his amendment.

"With reference to particular persons, who have been knocked out according to Mr. Viswanatham, I respectfully submit that representations have been received, and it has been brought to the notice of the Government that certain mistakes have been committed by omitting certain persons. Long before the amendments were placed before the House, representations have been received by Government. The Government have already taken action. We have written to the Government of India also to examine and rectify the mistakes, if any. But in regard to Mr. Gopala Menon's amendment that all the Members elected by the Assembly should continue to remain in the Upper Chamber here . . . (Interruption.) This was in a way supported by Mr. Viswanatham also. (Interruption.) Twenty-four members were elected by the Assembly irrespective of their domicile and irrespective of the fact whether they belonged to the Residuary State or Andhra State. I respectfully submit that there will be a conflict with the provisions in the Constitution itself—not a conflict of interests. Because the qualification to be a Member of the Upper Chamber is that one should be a resident of, and a voter in, the Residuary State. Otherwise, one cannot be a Member of the Council. So, it would not be constitutional to say that simply because one has been elected by the Assembly (irrespective of the place of one's residence), one should continue to be a Member of the Legislative Council of the Residuary State. (Interruption.) If he continues to be there, he cannot continue to be a Member elsewhere. So, considering this disqualification, and also the fact that the valuable services of Andhras will be required in the Andhra State, I say that we should not deprive the Andhra State of the services of these eminent people, who are now in the Council. They may get into the Assembly or they may otherwise assist the Andhra Government. The Andhra



[Sri C. Subramaniam]

[20th July 1953]

Government should not be deprived of these people and their advice. (Interruption.) Andhra is full of leaders. There is no dearth of leaders there. I think everybody is a leader there. It is not as if there will be a dearth of leaders in Andhra if some leaders remain here. That I know. But still I do not want that we should deprive the Andhra State of the services which these people are likely to render. Rightly their services should be at the disposal of that State. As far as the people who are domiciled here, who are resident here, and who are qualified to be here, are concerned, certainly their cases are being examined. It is not the case of two Members or three Members. There are some others also. I can assure hon. Members that we have already taken action in this matter. It is not as if we want to send away those who are entitled to remain here. All those who are entitled to remain here because of their domicile in the Madras State, will be retained, and there is no question of their being sent away. I wish to bring one instance to the notice of the House. Mr. Bhaskararao Naidu is a voter in the City. Automatically, he should represent the Residuary Madras State in the Council of States. But he has written 'no; I would not like to represent the Residuary State; I would like to represent the Andhra State'. So, it is not as if everybody is willing to remain here. This aspect has also to be taken into consideration. Considering all these, we will take proper action to see that those who are willing to remain here and those who are entitled and are eligible under the rules to remain here, do remain here. There is no question of their being sent away. We shall be just. I would point out that Mr. Viswanatham's amendment is unnecessary, as action has already been taken."

\* SRI P. RAMAMURTHI :—" Sir, the Leader of the House has made an appeal to me. The very fact that the Leader of the House makes an appeal to me shows clearly that he does not believe in what he says. He said that I had a creed which did not brook any opposition. The very fact that he has got an opposite view and makes an appeal to me shows that he expects me to listen to reason, if there is any. Therefore there is no question of listening to the opposition. The second question is that he has raised constitutional difficulties. (Interruption.) I would like to say that the expression of opinion of this House is valued very much. Therefore I would like to press the amendment."

MR. SPEAKER :—" I will now put the amendment of Sri Kalyanasundaram (No. 65) to vote. The question is—

' 65. This House recommends to the Parliament of India that clauses 19, 20 and 21 of the Andhra State Bill, 1953, be deleted and a simple section substituted which will provide for the abolition of the Legislative Council in both the Madras and Andhra States.' "

The amendment was put and declared lost.

20th July 1953]

A poll was demanded and the House divided thus:—

**Ayes 92.**

- |                                                   |                              |
|---------------------------------------------------|------------------------------|
| Sri G. Anjaneyulu.                                | Sri N. K. Palanisami.        |
| " K. Bapanna Dora.                                | " T. Potha Raju.             |
| " G. Bapanayya.                                   | " C. Prabakara Choudry.      |
| " Chandra Ramalingaiah.                           | " T. Prakasam.               |
| " V. Chidanandam.                                 | " C. Pulla Reddi.            |
| " D. Dasarathan.                                  | " K. Rajagopala Rao.         |
| " P. V. R. Gajapathi Raju (Raja of Vizianagaram). | " K. T. Raju.                |
| " T. Ganapathy.                                   | " N. Ramabhadra Raju.        |
| " Gopalakrishnaiah, Vavilala.                     | " P. S. Ramachandra Rao.     |
| " P. K. Gopalakrishnan.                           | " B. Ramakrishna Reddi.      |
| " K. P. Gopalan.                                  | " S. Ramalingam.             |
| " K. C. Gopalan Unni.                             | " P. Ramamurthi.             |
| " K. Govinda Rao.                                 | " G. Rama Rao.               |
| " M. Hanumantha Rao.                              | " P. Rama Rao.               |
| " P. Jeevanandam.                                 | " V. Rama Rao.               |
| " G. Joseph.                                      | " K. Ramiah.                 |
| " M. Kalyanasundram.                              | " K. Ramaiah Choudary.       |
| " C. Kandasami.                                   | " K. Ranga Rao.              |
| " C. H. Kanaran.                                  | " B. Sankarayya.             |
| " S. Kasireddy.                                   | " G. Satyanarayana.          |
| " G. C. Kondayya.                                 | " D. Seetharamiah.           |
| " P. Kotaiah.                                     | " T. Shanmugam.              |
| " R. Krishnan.                                    | " R. Siddanna Gowd.          |
| " K. Krishna Rao.                                 | " N. Sivaram.                |
| " M. Kune Rao.                                    | " N. Sivarami Reddi.         |
| " E. T. Kunhan.                                   | " K. T. Sridharan.           |
| " P. Kunhirama Kidav.                             | " V. Sri Krishna.            |
| " C. Kunhirama Kurup.                             | " B. Subba Raju.             |
| " T. Lakshminarayana Reddi.                       | " K. Subba Reddi.            |
| " M. Lakshmanaswamy.                              | " A. K. Subbiah.             |
| " D. Lakshmayya.                                  | " P. Suryachandra Rao.       |
| " B. Lakshminarasa Raju.                          | " S. Swayamprakasam.         |
| " V. Madanagopal.                                 | " P. Shyamsundar Rao.        |
| " K. Madavan Nambiar.                             | " Vadivelu.                  |
| " K. Malakondayya.                                | " M. Veerabhadram.           |
| Dr. K. B. Menon.                                  | " K. Venkaiah.               |
| Sri G. Nageshwara Rao.                            | " C. Venkatakrishna Rao.     |
| " T. Nagi Reddi.                                  | " R. Venkata Jagga Rao.      |
| " N. V. L. Narasimha Rao.                         | " K. Venkata Kurmi Nayudu.   |
| " P. Narasimha Reddi.                             | " Venkata Rao, Saka.         |
| " T. C. Narayana Nambiar.                         | " P. Venkatasiviah.          |
| " M. Narayana-samy.                               | " M. Venkatasubba Reddi.     |
| " S. Pakkirisami Pillai.                          | " P. Venkatesha Sholagar.    |
| " K. V. S. Padmanabha Raju.                       | " Pillalamaru Venkateswarlu. |
| " M. K. Padmaprabha Gounder.                      | " T. Viswanathan.            |
| " M. Palaniandi.                                  | " G. Yellamanda Reddi.       |

**Noes 122.**

- |                            |                                      |      |
|----------------------------|--------------------------------------|------|
| Sri C. Ahmed Kutty.        | Sri N. Chenchurama Naidu.            | 1-20 |
| " Aiyyanar.                | " S. Chinnakaruppa Thevar.           | p.m. |
| " L. Anandan.              | " V. S. Chinnasami Naidu.            |      |
| " T. Anantha Pai.          | " Chinnathambi Thevar.               |      |
| " Anthony Peter.           | " AR. A. RM. Chokkalingsam Chettiar. |      |
| " Ardhanareswara Gounder.  | " V. Dharmalinga Nayakar.            |      |
| " R. S. Arumugam.          | " T. P. Elumalai.                    |      |
| " S. Arumugam.             | " W. J. Fernandez.                   |      |
| " S. R. Arumugam.          | " K. Gajapathi Reddy.                |      |
| " V. Arumugam.             | " G. Govinden.                       |      |
| " V. Balakrishnan.         | " K. Ishwara.                        |      |
| " B. Bhakthavatsalu Naidu. | " H. M. Jagannatham.                 |      |
| " K. H. Bomman.            | " M. Jagannathan.                    |      |
| " M. Chadayan.             | " P. Kandasamy Gounder.              |      |
| " S. Chellapandian.        | " M. Kandasamy Padayachi.            |      |
| " P. Chellathurai.         | " V. K. Kannan.                      |      |



[20th July 1953]

## Noes 122—cont.

- Sri P. G. Karuthiruman.  
 „ M. K. Kempai Gounder.  
 „ K. T. Kosalram.  
 „ K. Kotra Basavana Goud.  
 The Hon. Dr. U. Krishna Rao.  
 Sri P. S. Krishnasamy Ayyangar.  
 „ V. Krishnasamy Padayachi.  
 „ R. Krishnaswami Naidu.  
 „ Kunhi Mohamed Shafee.  
 „ R. Kuppuswamy.  
 The Hon. Sri K. P. Kuttikrishnan Nair.  
 Sri S. Lakshmana Gounder.  
 „ N. Mahalingam.  
 „ M. Manickasundaram.  
 The Hon. Sri M. A. Manickavelu Naicker.  
 Sri P. G. Manickam.  
 „ Y. Manjaya Shetty.  
 „ M. Marimuthu.  
 „ A. K. Masilamani Chettiar.  
 „ N. Mounagurnswamy Naidu.  
 „ M. S. Munisami Pillay.  
 „ P. M. Munuswamy Gounder.  
 „ Ch. S. R. V. P. Murthy Raju.  
 „ Raja M. A. Muthiah Chettiar.  
 „ C. Muthiah Pillai.  
 „ V. Muthu.  
 „ M. C. Muthukumaraswamy.  
 „ B. R. M. Muthu Thevar.  
 The Hon. Dr. E. Nagan Gouda.  
 Sri P. S. Nalla Gounder.  
 „ B. K. Nallasamy.  
 „ G. Narayanasamy Naidu.  
 The Hon. Sri V. C. Palanisami Gounder.  
 Sri V. K. Palanisamy Gounder.  
 „ S. Panchaksharam.  
 „ R. S. K. Pandian.  
 „ K. Parthasarathi.  
 „ N. Paramasivam.  
 „ B. Parameswaran.  
 „ S. Parameswarappa.  
 „ M. P. Periasami.  
 „ P. B. K. Rajaohidambaram.  
 „ C. Rajam Ramasami.  
 „ K. Rajaram.  
 „ T. K. Rama.  
 „ M. R. Ramachandran.  
 Sri A. Ramachandra Reddier.  
 „ N. Ramakrishna Ayyar.  
 „ N. C. Ramasamy Kander.  
 „ V. K. Ramasamy Mudaliar.  
 „ A. Ramasamy Thevar.  
 „ A. Rami Reddi.  
 „ P. S. Rangasamy Naidu.  
 „ P. Rangasamy Reddier.  
 „ N. Rathina Gounder.  
 „ A. M. Sambandam.  
 „ G. Samia Koorayar.  
 The Hon. Sri N. Sankara Reddi.  
 Sri T. V. Sannasi.  
 „ K. M. Seethi.  
 „ A. Senapathy Gounder.  
 „ M. G. Shanker.  
 The Hon. Sri Shanmuga Rajeswara Sethupathi (Raja of Ramnad).  
 „ A. B. Suetty.  
 Sri Sirasappa, Ijari.  
 „ V. S. Sivaprakasam.  
 „ Soma-sundara Gounder.  
 „ S. N. Somayajulu.  
 Dr. T. S. Soundaram Ramachandran.  
 The Hon. Sri C. Subramaniam.  
 Sri M. P. Subramaniam.  
 „ I. K. Subramania Pillai.  
 „ R. Thangavelu.  
 „ P. Thangavelu.  
 „ Thiagaraja Pillai.  
 „ S. Thinakarasami Thevar.  
 „ P. K. Thirumurthi.  
 „ K. Uppi.  
 „ P. Urkavalan.  
 „ G. Vagheesam Pillai.  
 „ B. Vaikunta Baliga.  
 „ Vaikuntam.  
 „ T. R. Varadan.  
 „ A. Veloo.  
 „ K. V. Vema Reddy.  
 „ O. Venkatasubba Reddi.  
 „ S. Venkatrama Ayyar.  
 „ Venugopalakrishnasamy.  
 „ K. Vinayakam.  
 „ S. C. Virupakshiah.

## Neutral 3.

1-30 p.m. Sri A. Venkatramiah.  
 „ G. Latchanna.

Sri P. Pundarikakshacharyulu.

## Ayes 92; Noes 122; Neutral 3.

The amendment was lost.

The amendments<sup>a</sup> of Sri M. Kalyanasundaram (Nos. 66 and 70), Sri N. K. Palaniswami (No. 67) and Sri Vavilala Gopalakrishnaiah (No. 68) were, by leave, withdrawn.

MR. SPEAKER :—“ As for amendments Nos. 71 and 72, I think amendment No. 72 is more comprehensive and it reads as follows :—

‘ 72. This House resolves that there shall be a Legislative Council for the Andhra State consisting of not less than forty seats of which the sitting Members

<sup>a</sup> For amendments, vide pages 718-719, 722 and 728 supra.

20th July 1953]

[Mr. Speaker]

of the Madras State Legislative Council representing the Andhra area therein and such further or other members to make up the said number by election by the Andhra Legislative Assembly and by nomination by the Governor of the Andhra State under such directions as the President may make in this behalf.

As this amendment is a more comprehensive amendment, I think it is better if I put it first to the vote of the House. If that is the desire of the House also, I shall do so. Anyway, I wish to know what the Hon. Leader of the House wishes to say in the matter."

THE HON. SRI C. SUBRAMANIAM :—"Any one of the amendments may be put to vote, Sir. But as amendment No. 71 comes up first and as amendment No. 72 goes into further details, I think it will be better if amendment No. 71 is put to vote first."

SRI P. RAMAMURTHI :—"Any one of the amendments may be put to vote first, Sir. It is immaterial to us which is put first."

The amendment of Sri B. Krishnamurthi Rao (No. 71) was then put and lost.

The amendment of Sri P. Venkataswami Reddi (No. 72) was, by leave, withdrawn.

As hon. Member Sri N. Gopala Menon was not in his place, his amendment (No. 73) was deemed to have been withdrawn.

Amendments Nos. 172 and 173 standing in the names of Sri T. Viswanatham and Sri Vavilala Gopalakrishnaiah respectively were withdrawn with the permission of the House.

MR. SPEAKER :—"Shall we sit for some more time or adjourn now?"

THE HON. SRI C. SUBRAMANIAM :—"It is already 1-35, Sir. We may adjourn now."

MR. SPEAKER :—"I adjourn the House till 8-30 a.m. to-morrow."

The House then adjourned.